ASSISTANT SECRETARY
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DEPARTMENT OF STATE.

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U. S. CONSULATE GENERAL.

HABANA, June 1st, 1897.

Mr. LEE

to the

Honorable JOHN SHERMAN,

SECRETARY OF STATE.

Relative to the case of the American citizen Dr. RICARDO RUIZ.

One Enclosure.

No.

U. S. CONSULATE GENERAL.

HABANA, June 1st, 1897.

To Honorable JOHN SHERMAN,

Secretary of State,

Washington, D.C.

Sir:

The right having been reserved to make a separate report to my Government in the Ruiz case I have the honor to submit the following statement, which I request will be filed with the report of the Commissioners.

Dr. Richard Ruiz was about forty six years of age, a dentist by profession, married and resided with his wife and children in the town of Guanabacoa, 4 miles from Habana, was arrested on the 4th February, 1897, about 8 a.m., at his house in Guanabacoa charged with being connected with the attack on a rail road train on the night of the 16th January, 1897, at a point nearly midway between Guanabacoa and Habana, about 2 1/2 miles from the latter city.

The evidence of Dr. Ruiz most intimate friends and that taken before the Military Judge, as per record submitted with the Commissioners' report, show he was quiet and domestic in his tastes - a peaceful American citizen, engaged in the active pursuit of his profession - that he took no part in the military or political proceedings on this Island, or had at any time any communication, by writing or otherwise, with those engaged in the insurrection, and that at the time of the attack by armed insurrectionists on the train he was in the house of a neighbor and friend opposite to his own, in Guanabacoa, until 10 p.m. and then went to his abode, where he passed the night, and knew nothing of said attack until next morning, when it was

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known generally to the public.

Dr.Ruiz was taken from his home and profession,wife and small children,carried to jail and thrust into a cell - marked 4 in the diagram - whose dimensions are given in the report of the Commissioners - being one of the three smaller cells of the jail and used for keeping prisoners in solitary confinement. The dimensions of the cell in which he was confined are greater than given in my previous reports,which were based upon statements then received from persons,who did not and could not measure it,but the fact remains that he was in a cell day and night,with stone walls and stone floor and with no ventilation for air or light except a small rectangular iron barred opening above the door some 8 1/2 feet above the floor.

The manner of his confinement was a violation of article 520 - Law of Criminal procedure ruling in Cuba and Porto Rico - which demands that "Provisional imprisonment shall be made in the manner and form least prejudicial to the person and reputation of the accused",while the cognizance of his case being confided at first to the jurisdiction of the military authorities,was a violation of Section first of the Protocol between the United States and Spain,which stipulated that no citizen of the United States residing in Spain,her adjacent islands or her ultramarine possessions,charged with any "crime whatsoever" shall be subject to trial by any exceptional tribunal,but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

The testimony proves the jailer knew Dr.Ruiz was an American citizen on the day of his arrest - viz:- Feb.4th,1897 - and that the Acting Governor and Captain General of the Island was informed of the fact on the next day - but it was 10 days after

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his arrest,and three days before his death - viz:-14th Feb., 1897,that the Acting Governor General directed his case to be referred to the jurisdiction of the Civil Court, and he died before the said Court considered it.

The improper judicial proceedings,in the first place,and the length of the time consumed in getting the case before the proper authority - during which the solitary prisoner was the occupant of a cell - proved fatal.

The testimony shows Dr.Ruiz was a healthy and unusually strong,able and athletic man; that he had no hereditary mental trouble or disease of the heart,or other body ailments.

He was confined "incommunicado", and neither his wife,children or friends were allowed to communicate with him. He was carried alive to his cell and at the end of 315 hours was brought out a corpse,having been subjected to "incommunicado" imprisonment in violation of his rights - 243 hours over and above the 72 hour limit,as prescribed in article 4th of the Spanish Constitution,promulgated June 30,1876,and which applies to foreigners as well as to Spaniards.

From the time he was placed "incommunicado" until his death, all knowledge of his condition was confined to his jailers and therefore there can be no other testimony except that of these officials,as to the mode of his treatment,or manner of his death,and it could not be expected that in case of bad treatment they would testify against themselves or against each other. So such testimony should be received,not with "a grain of salt",but with a barrel!

A witness,named Rafael Galindo,who holds a Government position,testified that he carried at Mrs.Ruiz' request,some bed clothes for the use of Dr.Ruiz in his cell on the day he was arrested,- but the testimony of his most intimate friends,

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viz: - Juan Gratacós and José Puiggros, do not confirm such testimony; and a letter from Mrs. Ruiz to me, written 4 days after his death - a copy of which is herewith attached - says: "During the 13 days he remained "incomunicado" they did not allow me to take to him a cot or even a hammock, but only a hard chair. On the 9th of February, when the jail officials finally - after my repeated requests, consented or allowed me to send to my husband the chair, I send to you herewith, and on which you will see the last impressions of a man in his full mental faculties!

The "impressions" referred to and which I have seen, were sentences around the rim of the back of the chair, evidently indented with the nails of the finger and which read:-

"Mercedes, Nena, Evangelina, Ricardito - Good bye my children of my life, I give you my blessing - be obedient to your mother- they will kill me -if I am taken to Habana tell everything - Good bye Rita of my soul".

This chair, Mrs. Ruiz says, - she sent for after her husband's death, and I have lately seen persons, upon whose statements I place reliance, who say that the writing around the rim of the back was not discovered for some days after it had been returned to her house, as the chair was of light color and the indented letters not distinct.

I make these statements, because I found that witnesses who had testimony unfavorable to the Spanish Authorities would not give it, for obvious reasons, and if the right to make them appear was exercised, it would result - they said - in their giving non-committal evidence, for in their opinion, the mere fact of being summoned would make them "suspects" and considered as disloyal to the Spanish Authorities on the Island. An autopsy was held on Dr. Ruiz' body on the afternoon of the 18th at

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Guanabacoa, participated in by two Spanish Doctors - viz:-Francisco Vidal Alvarado and Jose Martinez Castrillon, and Dr.D.M.Burgess, the U.S.Sanitary Inspector at this Port, at which the U.S. Consul General was not present. The autopsy, signed by the two Spanish Doctors declared Dr.Ruiz death resulted from cerebral congestion, that on the apex - or top of the head of the deceased there was found a contusion or wound -which is described by the Spanish Doctors as being a "small abrasion which only involved the first surface of the skin about a centimetre long more or less" (a centimetre being about 2/5 of an inch).

But which is described by DR.Burgess as being "a severe contusion of about an inch and a half long by a half inch wide"

I deduce from my knowledge of the facts the following conclusions:

1st- Dr.Ruiz was arrested on a false charge.

2nd.-He was placed under an improper jurisdiction and died before the proper tribunal considered his case -thereby giving him no opportunity to prove his innocence.

3rd.-That he was kept in a solitary cell for 315 hours in violation of certain rights - which limits such confinement to 72 hours.

4th.-He died from congestion of the brain - produced by a blow on the top of the head.

5th.-There are two theories connected with the wound on t. the head.

One: - That in a state of mental excitement he ran across the cell as described by one of the jailers and butt his own head on the door in a frantic effort to get out.

Another: - That he was struck over the head with one of the clubs carried by the jailers, by the immediate watchman- who had probably ordered him to cease his cries for relief, and for

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his children,and upon his not doing so,struck him with more force than he had intended - or it is possible the blow was intended to make him confess or give evidence against others in reference to the insurgent attack on the rail road train. It if possible he went mad,and many causes combined to produce such a result. His knowledge of his own innocence,his confinement in a gloomy cell,where he was not allowed to communicate with family or friends or to read or write a line,all alone with the thought,doubtless impressing itself upon his mind that he was liable,- in the reign of terror then existing in and around Guanabacoa - to be summarily executed at any moment. He loved his wife and children,and in the darkness and loneliness of his cell he was constantly crying out for them,the thought that they were but a few rods away and yet he might never see them again,or hear the sound of their vices or feel the touch of their lips or hands,maddened him and proved too much for the mind of the distracted and unhappy man and it is not impossible that as the long hours passed by,his mind may have given away and left him insane. His wife says his derby hat was all battered up,and his clothes greatly tron when returned to her. But whether,when bereft of reason ,he inflicted the blows which produced congestion of the brain,or whether he died by the hands of others - the truth will probably only be known when the hearts of all are revealed.

The fact remains that the confinement killed him. Had he been released from "incomunicado" by the hand of man at the end of 72 hours,the hand of death might not have released him at the end of 315 hours - and to-day the widow would have had the support of her husband and the moans of his fatherless children

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would not have been heard in the land.

I therefore conclude by repeating my previous reports in this case, viz: that the fact whether Dr. Ruiz killed himself or was killed by some one else remains unknown.

I am, Sir, very respectfully,

Your obedient servant,

U.S. Consul General and Commissioner.

With despatch from Habana June 1, 1897

Copy-translation.

(Original on file at this office, copy sent Despatch No.368)

To the Consul General of the United States,

Habana.

Sir:-

I address you as the representative of my husband's rights to inform you that on the 4th.instant at 9 A.M. the American citizen RICHARD RUIZ de UGARRIO was taken from his house, Jesus Maria street No.2, Guanabacoa, by order of the Municipal Mayor of this town and of the Judge of Instruction La Rosa, and confined incomunicado (deprived of outside intercourse) from the first moments, in the second cell, right hand side of the first court or yard of the jail of Guanabacoa. He was kept there until his last moments, when he was removed to another cell, opposite the former. He died without medical attendance, having been ill during three days, during which period he cried and begged to see his children, he also begged the Messrs. Gratacos and Puiggros, witnesses in his case, be brought to him. No notice whatever was taken of his petitions, neither was any notice taken of his pitiful condition, not even of his death, although known to all of them.

I have been informed that though the food I sent him with my servant was said to have been eaten by him, it is not so; because owing to the bad smells prevailing in the cell he could not eat and he threw away the food. On the day, previous to his death, his cell was cleaned, for which purpose Ruiz was momentarily taken to another cell and afterwards in the same afternoon again thrown into his former cell. During the 13 days that he remained incomunicado they did not allow me to take to him a cot or even a hammock, but only a hard chair on the 9th.Feb., when the jail official finally after my repeated requests consented or allowed me to send to my husband the

chair, I send to you herewith, and on which you will see the last impressions of a man in his full mental faculties.

I used my utmost efforts to have the body delivered to me for burial, and this was denied, it was left on the floor from 1 P.M. Wednesday, day and hour of his death until the next day at 7 o'clock A.M., when I was able to send him a coffin and accessories. The body was then placed under key in the gallery of the jail, I went to see the body in person and took along some flowers at half-past twelve, and upon his hair being cut I noticed on the top of the head a wound and his left hand clenched and of purple color, among the clothes returned to me there were torn handkerchiefs and his Derby hat torn to pieces. The servant who used to take along the food went to the jail, as usual about half-past two P.M. on Wednesday, that is to say about an hour and a half after he had died, and notwithstanding this fact, at the jail they accepted the refreshment I sent him without saying a word to the servant. I was informed of his death at about 6 P.M. by a neighbor, not having had previously the slightest notice of such a sad event having occurred, although I have ascertained that the Municipal Mayor was asked for medical help by the Jail official, who first had applied to the Judge of Instruction and afterwards to the Civil Judge, in both cases without result, because the former stated that he had been eliminated from the case, and the latter that he had not received yet the proceedings. Today is Sunday the 21st. and my husband's case is not yet in the hands of the civil court, notwithstanding you were informed, Mr. Consul, by the General Government that it had been referred to the Civil Court on Sunday the 14th.

I inform you all this in order that you may please see that justice is made with respect to the infamy committed in the person of my husband, because he has lacked all the help or aid necessary for his salvation, he was not cared for, was not even taken to the infirmary of the jail, nothing at all, in brief was done, he was <u>incomunicado</u>, in the narrowness of a cell

of a yard and one half width,with short length,hermetically closed by a black wooden door,and only a small opening in the back of the cell for the purpose of respiration.

You will see,Consul,how a poor widow and five unfortunate children have been left in the indegence. I put them under your protection,as they have lost in such a villanously manner their father. On Tuesday,Feb.16,Mr.Juan Gratacos at half-past two P.M.heard a voice crying and calling his name and tried to approach the cell,but he could not do so,on account of the incommunication.

(Signed) Rita Lezca,widow of Ruiz.

Guanabacoa February 21st.1897.

Enclosure No. With Despatch No. Habana, Feb.24.1897.

Translation of the words found on the chair which Mrs. Ruiz sent to her husband on the 9th.Feb., as stated in the letter [enclosure No.1] These words appear to have been written by Dr.Ruiz shortly before his death, with a finger nail.

"Gloria, Nena, Evangelina, Ricardito and Rene, good-bye my children, I am taken away, you will be killed if I am taken to Habana, I bless you all, good-bye Ritilla, my love, be obedient to your mother".

Minutes of the Investigating Commission:

First Session:

The first meeting was called at the City Hall in the town of Guanabacoa, on the 20th of May, 1897, at 1.30 p.m., there being present Dr. Jose Congosto, General Fitzhugh Lee, Mr. W. J. Calhoun, Mr. Henry Roig, Counsel for Dr. Congosto, Geo. W. Fishback, Secretary to Commissioner Calhoun, and Rafael Casares, Vice-Consul of Spain at Philadelphia.

Dr. Congosto submitted a Spanish translation of a communication from Consul General Lee to the Marquis de Ahumada, General 2nd in Command and in charge, under date of February 23rd, 1897.

(Exhibit No. 1 hereto attached in Spanish and English.)

General Lee then read a translation of a communication from the Marquis de Ahumada, under date of February 24th, 1897.

(Exhibit No. 2 attached in English and Spanish.)

The Commission then proceeded to the jail of Guanabacoa and inspected the cell that was occupied by Ricardo Ruiz and carefully took the measurements, both as to height and length and width. The dimensions were found to be the same as contained in the testimony of the architect, Fernandez Aleman, as found in the record of the civil trial.

Consul-General Lee then submitted to Dr. Congosto a written request for the production of certain papers and records, a copy of which request is attached as Exhibit No. 3.

Thereupon Dr. Congosto requested a delay until to-morrow, May 21st, 1897, for a consideration of the request.

The Commission then adjourned and returned to the city of Havana.

El Comisionado de España
Jose Congosto

Fitzhugh Lee
U. S. Commissioner

Geo. W. Fishback.

Rafael Casares Jr.

Minutes of the Investigating Commission:

Second Session:

The second meeting was held at the hotel "Inglaterra", in the city of Havana, on the 26th May, 1897, at 1.30 p.m., there being present the same as at the previous meeting.

There were delivered to Consul General Lee the documents which he had requested and which are as follows:

Authorized copies of the letters addressed to the Marquis de Ahumada by Consul General Lee on the 5th, 6th and 17th of last February. Copies in English and Spanish attached as Exhibit No.4.

Copy of the military proceedings: English copy attached as Exhibit No.5.

Copy of the civil proceedings against the American citizen Ricardo Ruiz: Spanish copy attached as Exhibit No.6. These documents supplied in copy and figuring as Exhibits No.5 and No.6 contain the information requested by Consul General Lee in his letter of the 20th instant, addressed to Dr.Jose Congosto.

After the delivery of these documents and a cursory examination of their contents it was decided to proceed to-morrow with the taking of testimony. Consul general Lee stated that he did not know whether he would supply any witnesses on that day or not, because of the great difficulty experienced in inducing them to give testimony. It was also decided that the witnesses summoned by Dr.Congosto and who should come from Guanabacoa to give their testimony before the Commission in the city of Havana, should be examined in a private place in order to give to their evidence full protection and secrecy. It was therefore decided that they should appear before the Commission in a private room at the hotel "Mascotte", at one o'clock p.m. on the day of the 27th of May, there to give their testimony before the Commission.

It was also decided that Dr.Burgess and another doctor to be selected by Dr.Congosto should proceed, either jointly or separately, to-morrow morning, the 27th of May, to the jail in the town of Guanabacoa and there to examine carefully the door of the cell in which Ricardo Ruiz was confined incomunicado, with the object of determining whether the wound which was found upon the top of his head, as shown in the autopsy, could have been inflicted by blows inflicted upon himself by butting his head against the surface of the door of the said cell.

The Commission then adjourned until one o'clock p.m. to-morrow, the 27th of May, to meet at the hotel "Mascotte", in the city of Havana, for the taking of testimony.

Fitzhugh Lee
U. S. Commissioner

R. W. Fickbaer

Manuel Casares Jr

The Spanish Commissioner

José Congosto

Minutes of the Investigating Commission:

Third Session.

The third session was held in the office of the Storage Warehouses of the town of Regla, in the harbor of Havana, at 1.45 p.m., May 27th, 1897, instead of in the hotel "Mascotte", as agreed upon at the preceeding meeting, there being present the persons indicated as present at the preceding sessions.

The following witnesses were called by Dr.Congosto and him were examined in the order named:

Jose Puiggros,
Juan Gratacos,
Antonio Ruiz de Ugarrio,
Pablo Maruri y Portilla,
Rafael Galindo y Pinero,
Agustin Amador Reyes,
Justo Luis Lamar,
Ciriaco de Arango y Rigalos.

Their respective testimony is adjoined. (Exhibit 7.)

It was decided by the Commission that Dr.Burgess and Dr. Delgado should proceed to-morrow, morning, the 28th May, 1897, to Guanabacoa with the object of examining the door and walls of the ~~determining~~ cell occupied by Dr.Ruiz while incomunicado, for the purpose of determining whether the wound, which was found on the head of the late Ricardo Ruiz could have been caused by blows, which he himself might have inflicted upon himself by striking his head against the door or walls.

Consul General Lee expressed the desire to have summoned as witness the officer of the jail at Guanabacoa, who was on watch in front of the door of the cell in which was confined Dr.Ricardo Ruiz, the name of which jailer is Primitivo Blanco.

Dr.Congosto promised to have the witness appear, issuing his orders to that effect through the proper official channels.

It was decided to meet in session to-morrow, the 28th of May at 9 a.m. in the hotel "Inglaterra" in the city of Habana.

Ro. W. Fishback.

Rafael Casares Jr.

U. S. Commissioner

The Spanish Commissioner

Jose Congosto

Minutes of Investigating Commission:

Fourth Session:

The Commission, according to agreement met at the hotel "Inglaterra" in the city of Havana, at 9.15 a.m., on the 28th of May, 1897, there being present the persons indicated as present at the previous meeting. In addition to these were Drs. Burgess and Delgado, who had just returned from a trip to Guanabacoa, where they had examined the door and walls of the cell occupied by Dr. Ricardo Ruiz. Dr. Delgado brought with him a human skull, with which he demonstrated the character and length of a wound which might have been produced by butting a head against a plain surface and also agreed that the said wound might have been produced by the impact of a cylindrical or spherical body, as shown in his testimony contained in Exhibit No. 8 adjoined. Dr. Burgess also agreed with this statement and testified as to the character of the wound which was found on the head of the late Ricardo Ruiz and, with a pencil, drew upon the top of the skull supplied by Dr. Delgado an approximate measurement of the wound which as he remembered it, was noticeable upon the head of Dr. Ruiz at the time that the autopsy was performed on the 18th February, 1897.

There appeared, as summoned by Consul General Lee, by means of a telephonic or telegraphic message sent by Dr. Congosto, at Consul General Lee's request, to the Mayor of Guanabacoa, a witness by the name of Primitivo Blanco, who is the head Guard of the jail in the said town of Gauanabacoa. He was interrogated by Consul General Lee and Commissioner Calhoun, whose questions and the corresponding replies are found in Exhibit No. 8 adjoined.

At the conclusion of this testimony it was decided to adjourn until 4 o'clock this afternoon, May 28th, in the hotel "Inglaterra", in the city of Havana.

Fitzhugh Lee
Commissioner

Rafael Cisneros Jr.

The Spanish Commissioner

Jose Congosto

Mimutes of Investigating Commission:
Fifth Session:

The Commission, according to the agreement made at the end of the fourth session, met at 4 o'clock on the afternoon of May 28th in the hotel "Inglaterra" in the city of Havana, there being present the persons indicated as present at the previous meeting.

Dr.D.M.Burgess was summoned and was interrogated by Mr. Calhoun and Consul General Lee whose questions and their corresponding replies are adjoined, as Exhibit 9.

Dr.Congosto and Consul General Lee submitted rough drafts of their reports, which were discussed at length. Thereupon it was decided to adjourn the meeting until Saturday afternoon, May 29th, 1897 at one o'clock in order to have the said reports translated and submitted for further discussion.

Fitzhugh Lee
U. S. Commissioner.

Rafael Cesares Fit

The Spanish Commissioner
Jose Congosto

Mimutes of the Investigating Commission:

Sixth Session:

The Commission, according to the agreement made at the end of the fifth session, met at one o'clock on the afternoon of May 29th, 1897, in the hotel "Inglaterra", in the city of Havana, there being present the persons indicated as present at the previous meeting, t

The reports of Dr. Congosto and Consul General Lee, in English and Spanish, were discussed at length and it was decided to adjourn until Monday morning, May 31st, 1897, at 9 o'clock in the hotel "Inglaterra", in the city of Havana, at which meeting Mr. Calhoun agreed to submit a report containing a plain statement of the facts in the case, to the end of having Dr. Congosto and Consul General Lee sign it.

Fitzhugh Lee
U. S. Commissioner.

Geo. W. Fishback.
Rafael Cisneros Jr.

Dr. Congosto stated at this meeting that the originals of the certified copies [illegible] Commissioners.

The Spanish Commissioner
Jose Congosto

Photographs marked 1 to 7 [illegible] exterior and interior views of the jail [illegible] cells wherein Ruiz was imprisoned immediately [illegible] he died were presented by Dr. Congosto and by agreement were attached and made a part of the record of this investigation.

The meeting was then adjourned until 9 p.m. to-day, May 31, 1897. with the object [illegible] final report.

Fitzhugh Lee
U. S. Commissioner

Geo. W. Fishback.
Rafael Cisneros Jr.

The Spanish Commissioner

Minutes of the Investigating Commission:

Seventh Session:

The seventh meeting was held according to the agreement ma made at the end of the sixth session at nine o'clock Monday morning, May 31st, 1897, in the hotel "Inglaterra" in the city of Havana there being present the persons indicated as present at the previous meeting.

Mr. Calhoun submitted a draft of a report, which was not in accepted. A report was then drawn up and accepted.

The minutes of the preceding meetings were read and corrected. Copies in English and in Spanish were ordered to be submitted and to be signed by both Commissioners.

Dr. Congosto stated at this meeting that the originals of the certified copies of the official records presented to the Commission can be examined, if desired, by the Commissioners.

Photographs marked 1 to 7, inclusive, showing exterior and interior views of the jail of Guanabacoa and the cells wherein Ruiz was imprisoned incomunicado and where he died were presented by Dr. Congosto and by agreement were attached and made a part of the record of this investigation.

The meeting was then adjourned until 5 p.m. to-day, May 31, 1897. with the object of signing the final report.

H. W. Fitzhugh Lee
U. S. Commissioner

Rafael Cisneros
The Spanish Commissioner

José Congosto

Minutes of the Investigating Commission:

Seventh Session:

The seventh meeting was held according to the agreement ma made at the end of the sixth session at nine o'clock Monday morning, May 31st, 1897, in the hotel "Inglaterra" in the city of Havana, there being present the persons indicated as present at the previous meeting.

Mr. Calhoun submitted a draft of a report, which was not in accepted. A report was then drawn up and accepted.

The minutes of the preceding meetings were read and corrected. Copies in English and in Spanish were ordered to be submitted and to be signed by both Commissioners.

Dr. Congosto stated at this meeting that the originals of the certified copies of the official records presented to the Commission can be examined, if desired, by the Commissioners.

Photographs marked 1 to 7, inclusive, showing exterior and interior views of the jail of Guanabacoa and the cells wherein Ruiz was imprisoned incomunicado and where he died were presented by Dr. Congosto and by agreement were attached and made a part of the record of this investigation.

The meeting was then adjourned until 5 p.m. to-day, May 31, 1897. with the object of signing the final report.

Fitzhugh Lee
U. S. Commissioner

Geo. W. Fishback.

Rafael Cisneros Jr.
The Spanish Commissioner

José Congosto

Exhibit I

Enclosure 7 in No. 391.

Minutes of the Investigating Commission:

Eighth Session:

The eighth meeting was held according to the agreement made at the end of the seventh session at 5 p.m., May 31st, 1897, in the hotel "Inglaterra", in the city of Havana, there being present the persons indicated as present at the previous meeting.

The minutes of the preceding meetings were submitted in English and Spanish and signed by both Commissioners.

The report, as accepted at the preceding meeting, was read and compared in English and Spanish and signed by both Commissioners, copies of which in English and Spanish are adjoined as Exhibit 10.

The meeting was then adjourned sine die.

Fitzhugh Lee
U. S. Commissioner

R. W. Fishback

Rafael Cisneros

The Spanish Commissioner

(61)

Exhibit I
Gro. W. T.

Exhibit 1. 2a English translation

Gro. W. T.

-2-

Enclosure 7 in No. 381.

Casares

Translation.

Mr. Lee to Governor General.

U. S. Consulate General,

Habana, February 23, 1897.

Excellency:-

I have the honor to inform Your Excellency that Mr. Ricardo Ruiz, an American citizen, inscribed as such in this Consulate General in the year 1880, was a graduate of the College of Dentistry of Philadelphia, Pa., U. S., in which city he resided five years; that he was arrested at Guababacoa on the morning of the 4th instant; and according to my information was thrown and confined in a small dark cell of the Guanabacoa jail, whose dimensions are 3 or 4 feet wide by 5 or 6 feet long, without there being anything else in said cell, except the rough stone floor and walls; that Mr. Ruiz's wife was not allowed to send to her husband a cot or even a hammock to avoid his sleeping on the bare floor, until finally after repeated efforts she was permitted to send to him a chair; that the prisoner had not been ill before his confinement in said cell, on the contrary, he was known as a man of an athletic constitution and of a robust nature; that he died in said cell after 315 hours of incommunication; that though his cries were heard two or three days before his death they were unheeded; that his cell was not

cleaned until the day previous to his death; that though at last a physician was called to see him, no other attention was given to Mr. Ruiz until he was found dead at 1 P. M. on the 17th instant.

Dr. Burgess, U. S. Sanitary Inspector at this port, was present at the autopsy performed on the body, and states that Ruiz's death was produced by congestion of the brain, and that he had a contusion on the top of his head, caused by blows, which though not fracturing his skull, were sufficient to produce the congestion of the brain, which in turn caused death.

The Government of the United States instructs me to call the attention of Your Excellency to these facts, and to demand that an immediate official investigation of such facts be made, the result of which I am directed to report to the Department of State at Washington.

I am, etc.,

Fitzhugh Lee.

Note: The answer to this communication was duly reported to the Department of State, and a copy-translation thereof was transmitted a companying my despatch No. 371 of the 25th February, 1897.

Exhibit 1 Spanish

ISION INVESTIGADORA

DELEGACION ESPAÑOLA

(Copy).

Casares Fishburn

Oficio del E.S. Capitan-General- Hay un menbrete que dice: Ejercito de la Isla de Cuba- Capitania General-Estado Mayor-Seccion 5a. El Consul General de los Estados Unidos en esta Plaza,con esta fecha me dice:

Excmo Sor: Tengo el honor de poner en conocimiento de V.E. que Mr. Ricardo Ruiz, ciudadano americano, inscrito como tal en este Consuldao General en el ano de 1880, era graduado del Colegio Dental de Pennsylvania E.U. en Philadelphia en cuya Ciudad residio cinco anos, que fue preso en Guanabacoa en la manana del dia 4 del corriente y segun mis noticias fue arrojado y encerra do en una bartolina pequena y oscura de la Carcel de Guanabacoa cuyas dimensionas son de tres cuatro pies de ancho por cinco o seis de fondo sin haber en dicho bartolina nada excepto el aspero piso de piedra y las paredes: que sele nego a la esposa del Sr Ruiz permiso para mandarle un catre o hamaca a fin de evitar que durmiese el preso en el suelo,no consiguiendo la esposa sino a fuerza de repetidas instancias mas que permisos para enviarle un sillon: que el preso no se hallaba enfermo antes de ser encerrado en la bartolina; al contrario se le cono cia como hombre constitucion atletica y de robusta naturale za: que fallecio en dicha bartolina despues de trescientas quinc horas de incomunicacion: que aunque se oian sus gritos desde dos o tres dias antes de morir no se le hizo caso: que no se limpio la bartolina hasta la vispera del dia que fallecio que aunque al fin se llamo a un kedico para que lo viera,ningun otro ciudado se tuvo con el Sr. Ruiz,hasta que se le encontro muerto a la una de la tarde del dia 17 del actual. El Dr. Burgess, Inspector de Sanidad de los Estados Unidos, en este puerto, estuvo presente en la autopsia que se lepractico al cadaver y manifiesta que la muerte de Ruiz, fue producida por una congestion cerebral, y que en la parte superior de la cabeza tenia una contusion resultado de golpes,que aunque no le fracturaron el craneo, eran bastante para ocasionarle la congestion cerebral, que a su vez le projudo la muerte.- El Gobierno de los Estados Unidos me instruye llame la atencion de V.E. a estos hechos y que exija una imediata investigacion oficial de estos sucesos del resultado del cual se me encarga de quenta al Ministro de Estado em Washington.

Es copia conforme el original.
Guanabacoa, 20 de Mayo,1897.
(signed) Jose Congosto.
Rafael Casares.

Fishback.

Exhibit 1.
Translation.

Mr.Lee to Governor General

U.S.CONSULATE GENERAL.
HABANA,February 23,1897.

Excellency:

I have the honor to inform Your Excellency that Mr.Ricardo Ruiz,an American citizen,inscribed as such in this Consulate General in the year 1880,was a graduate of the College of Dentistry of Philadelphia,Pa.,U.S.,in which city he resided five years; that he was arrested at Guanabacoa on the morning of the 4th instant; and according to my information was thrown and confined in a small dark cell of the Guanabacoa jail,whose dimensions are 3 or 4 feet wide by 5 or 6 feet long,without there being anything else in said cell,except the roguh stone floor and walls; that Mr/Ruiz's wife was not allowed to send to her husband a cot or even a hammock to avoid his sleeping on the bare floor,until finally after repeated efforts she was permitted to send to him a chair; that the prisoner had not been ill before his confinement in said cell,on the contrary,he was known as a man of an athletic constitution and of a robust nature; that he died in said cell after 315 hours of incommunication; that though his cries were heard two or three days before his death they were unheeded, that his cell was not cleaned until the day previous to his death; that though at last a physician was called to see him,no other attention was given to Mr.Ruiz until he was found dead at 1 p.m.on the 17th instant.

Dr.Burgess,U.S.Sanitary Inspector at this port,was present at the autopsy performed on the body,and states that Ruiz's d death was produced by congestion of the brain,and that he had a contusion on the top of his head caused by blows,w ich though not fracturing his skull,were sufficient to produce the congestion of the brain,which in turn caused death.

The Government of the United States instructs me to call the attention of Your Excellency to these facts,and to demand that an immediate official investigation of such facts be made, the result of which I amdirected to report to the Department of State at Washington.

I am, etc.

Fitzhugh Lee,
Consul General.

Exhibit 2.

E.W.T.

(Sent to Dept.State) Original on file.

TRANSLATION. Casares

---o---

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL.STAFF.

From the proceedings initiated yesterday at Guanabacoa, in consequence of the facts denounced by you in connection with the death of the American citizen RICARDO RUIZ, it results:

That on the 4th instant the said Ricardo Ruiz was arrested, because he was complicated in the cause, which is being instructed on account of the assault by the rebels on a passenger train on the night of the 16th January last; on the same day, 4th instant, a declaration was obtained from him, in which he did not allege his American citizenship, and in consequence of your communication of the 5th instant I claimed the cause, and after the necessary legal proceedings I decreed on the 14th its inhibition in favor of the ordinary jurisdiction, in compliance with the protocol of the 12th January, 1877. Ruiz was incomunicado upon my claiming the cause, and he had to continue in the same condition (incomunicado), because the Code of Military Justice does not fix a period for the incommunication, and while the competency was not resolved the Judge of Instruction could not take any determination whatever.

The appartment or room in which the prisoner was placed is of a rectangular base, has 2 metres and 50 centimetres width, about 8 1/3 ft. its length is 5'85, and its height 5'90, with a wooden door with about 20 ft. an iron grating, and a window on said door measuring 1 metre and 10 centimetres of base and 0'45 height, the floor has no 4 ft. signs of dampness and the walls whitewashed up to one metre high; from his entrance the prisoner had a large chair, which he could use as a bed, with its matress, sheets, blanket and pillows. 2 ft.

That on the 15th a blow was heard in the room; the jail keeper appeared and found Ruiz very excited and with signs of

Exhibit 2

a blow in the head, for which reason he called a physician who afforded him medical aid, and in order to prevent Ruiz from again attempting against his life he was transferred to another room in better conditions, and where he could be watched better; on the 17th the person who was in charge of taking to him (Ruiz) his medicine, found him in the attitude of butting against the bars of the door with his head, and he was prevented from hitting himself; shortly afterwards he died from congestion of the brain.

That he was treated with more care than the other prisoners, attending to his room as soon as he called or complained; his prison was cleaned daily.

That the physicians who performed the autopsy on his body, by order of the Court of Instruction, an act which was witnessed by yourself and Dr. Burgess, declare that Ricardo Ruiz died from congestion of the brain, with which congestion the erosion on the head had no connection, and that the said erosion being superficial it was not sufficient to cause by itself the congestion.

And, therefore, deducing from the above stated that the ~~ero~~ erosion which appeared on the head was produced by the same Ruiz and that accordingly there is no responsibility to demand, in conformity with the Judge of Instruction and the Advocate General, I have deemed the proceedings as terminated, informing you, thereof, as I promised in my communication of the 22nd instant.

God guard you many years.

Habana, Feb. 24, 1897.

(Signed) El Marques de Ahumada,

General 2nd in command and in charge.

To the Consul General of the United States.

Exhibit 2

Casares Fisher

EJERCITO DE LA ISLA DE CUBA. CAPITANIA GENERAL.
ESTADO MAYOR.

HABANA, May 20th, 1897.

Del procedimiento instruido ayer en Guanabacoa a consecuencia de los hechos denunciados por V.S.sobre la muerte del súbdito Norte-americano Ricardo Ruiz resulta:

Que el dia 4 del actual fué detenido dicho Ricardo Ruiz por hallarse complicado en la causa que se sigue con motivo del asalto de los rebeldes al tren de viageros ocurrido en la noche del dia 16 de Enero último; el mismo dia 4 se le tomó declaracion en la que no alegó su ciudadania y a consecuencia del escrito de V.S.del 5 reclamé la causa y previos los trámites legales se dictó el 14 la inhibicion á favor de la jurisdiccion ordinario en cumplimiento al Protocolo de 12 de Enero de 1877. Se hallaba incomunicado al reclamar la causa y hubo de continuar en la misma situacion porque el Código de Justicia Militar no señala plazo para la incomunicacion y entre tanto se resolvia la competencia no podia el Juez Instructor dictar providencia alguna.

Que la habitacion en que estuvo preso es de base rectangular de dos metros 50 centimetors de ancho, 5'85 de largo y 5' 90 de altura, con una puerta de madera enchapada de hierro y sobre ella una ventana con la reja de un metro 10 centimetros de base y 45 centimetros de altura, su piso sin señales de humedad y las paredes revestidas de cal con su piso de un metro de altura; desde su entrada tuvo en ella un sillon largo que le servia de cama con su colchoneta, sábanas, manta y almohada.

Que el dia 15 se oyó un golpe en su habitacion, acudió el llavero de la carcel que abrió la puerta encontrando al Ruiz muy excitado y con un golpe en la cabeza por lo caul llamó á un medico que le prestó los auxilios de la ciencia y para evitar que pudiera atentar nuevamente contra su vida se le trasladó á otra habitacion de mejores condiciones en la que podia estar mas vigilado; el dia 17 el encargado de llevarle la medicina encontró al Ruiz en actitud de embestir contra la reja de la puerta con la cabeza consiguiendo evitar se golpeara; al poco rato falleció de una congestion cerebral.

Que el trato que se le dió fué mas esmerada que á los otros presos acudiendo á su habitacion asi que llamaba ó se quejaba; su prision se limpió diariamente.

Que los medicos que practicaron su atopsia por orden del Juzgado de Instruccion, acto que fué presenciado por V.S.y el Dr.Burgess declaran que Ricardo Ruiz urió de una congestion cerebral en la cual no consideran halla tenido participacion la erosion de la cabeza que por ser superficial no era causa suficiente para determinar por si la congestion.

Y por ultimo, deduciendose de lo expuesto que la erosion que tenia en la cabeza se la produjo el mismo Ruiz sin que resulte responsabilidad que exigir de acuerdo con el Juez Instructor y Auditor Gral. he dado por terminado el procedimiento participandoo a V.S.conforme ofrecí en mi escrito fecha 22 del actual.

Dios guarde áV.S.muchos años. Habana, Febrero 24 de 1897.

P.A.

El Gral. 2o.Cabo enc.del despacho.

El Marques de Ahumada.

Sr.Consul General de los Estados Unidos.

Exhibit 3

Casares
Fishback.

U.S.CONSULATE GENERAL.

HABANA, May 20th, 1897.

Dr.JOSE CONGOSTO,

HABANA, CUBA.

Dear Sir:

In order to forward the investigation into the cause of the arrest and subsequent death of the American citizen, Dr.RICARDO RUIZ, that has been committed to our joint supervision by agreement of our respective governments, I have the honor to request that you ask the proper representatives of your government to submit for our inspection and consideration the following official records or documents, to wit:-

1. The complaint or information wherein is stated the offence charged against Dr.Ruiz, and upon which he was arrested and committed to prison, on or about February 4, 1897.

2. The warrant or order upon which Dr.RUIZ was arrested.

3. The mittimus or order, civil or military, upon which Dr. RUIZ was committed to , and confined in prison.

4. The record or report of any trial or investigation, preliminary of final, made by any jurisdiction, civil or military, as to the cause for, or justification of the arrest and committment of said Dr.RUIZ, or as to his guilt or innocence of the charge upon which he was arrested and confined in prison. Also, the record of any finding, report, determination or order made by any jurisdiction, civil or military, as the result of such investigation.

5. The official report of the death of Dr.RUIZ, made by the civil or military authority in whose custody he was at the time of his death.

6. The record and report of any inquiry or investigation

Exhibit 4
Fitzhugh Lee

made by the civil or military authority of your government as to the cause and circumstances attending the death of Dr.RUIZ; and the finding,order or judgment rendered upon such investigation.

7. The record or report of any previous arrest of Dr. RICARDO RUIZ made by the authorities,civil or military,of Guanabacoa,a short time prior to the 4th of February,1897.

8. The declarations or statements made by Dr.RUIZ on his arrest,trial or examination on either of the occasions above referred to.

In making this request you will doubtless understand that both my counsel and myself are unacquainted with the civil and military procedure observed and practiced by your government in the arrest and committment of Dr.RUIZ; or,in the inquiry that we understand was made into the justification for his arrest and detention; or the investigation that we are informed was made into the circumstances attending his death. I can, therefore,only indicate the general character of the official records and reports desired,without assuming to specify them by technical or formal designation.

Very truly yours
Fitzhugh Lee
U. S. Consul General
Habana.

Exhibit 4

Enclosure 1 in No. 381.

Translation.

Mr. Lee to General 2d in Command.

U. S. Consulate General,

Habana, Feb. 5th, 1897.

Excellency:

I am informed that the American citizen Ricardo Ruiz, dentist, has been arrested at Guahabacoa, I beg Your Excellency will communicate to me the charges against him.

I am, etc.,

Fitzhugh Lee.

8

Exhibit H Casasus Fichbach.

(Ecnlosure 3 in No. 381.)

Mr. Lee to Marques de Ahumada.

Translation.

U. S. Consulate General,

Havana, Feb. 6, 1897.

Excellency:

In answer to Your Excellency's communication of the 5th relative to Mr. Ricardo Ruiz, under arrest at Guanabacoa, I have the honor to inform you that the said person is an American citizen, registered as such in this Consulate General under number 2000 in April 1880, duly naturalized as a citizen of the United States before the Court of Common Please No. 3 of Philadelphia, Pa., in January 21st, 1880, as appears by his certificate of naturalization, which I have before me, issued by the proper authority of the United States and bearing the seal of the proper court, in favor of the said Ricardo Ruiz de Ugarrio.

Therefore, I beg Y. E. will please order the release of the American citizen referred to if there are no well foundee charges against him of if otherwise, that the rights to which he is entitled as an American citizen be granted to him under the Treaty of 1795 and the Protocal of the 12th January, 1877, referring his case to the civil jurisdiction.

I am, etc.,

Fitzhugh Lee.

Enclosure 6 in No. 381.

Mr. Lee to Marques de Ahumada.

Translation.

U. S. Consulate General,

Habana, Feb. 17, 1897.

Excellency:

I am informed to-day that the American citizen Mr. Ricardo Ruiz, who was confined in a cell in the Guanabacoa jail on the 4th instant, has already been 312 hours incomunicado, notwithstanding that the Law of Criminal Procedure ruling in Cuba and Porto Rico limits such incommunication to 72 hours. In consequence of this prolonged incommunication the prisoner has lost his reason. In a communication dated the 14th instant Your Excellency informs me that Ruiz's case had been referred to the civil jurisdiction.

I beg Y. E. will inform me in regard to the matter and the condition of the American citizen, subject of this communication.

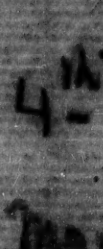
I am, etc.,

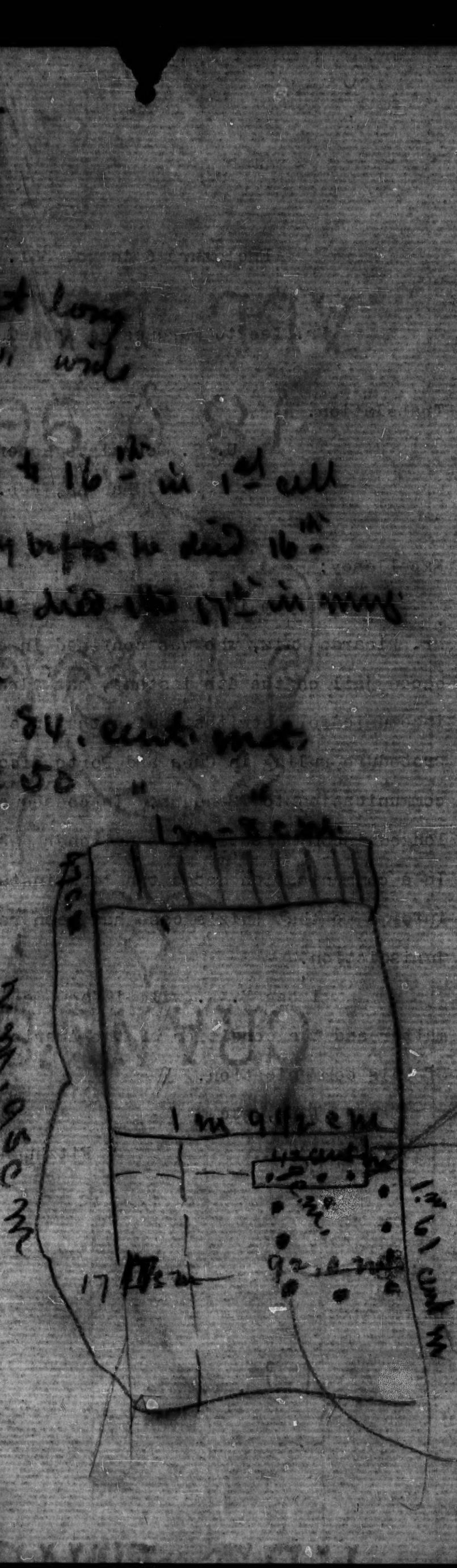
Fitzhugh Lee.

Rectangular cell
Length 5 met. 84 cent. met.
Width 2 met 50 "
Height 6 + 11

Floor 7 1/2 cm thick

Iron plate
3 mill. met.





4 1/2 ft long
8 " wide

4 1/2 ft deep to 16 1/2 in 1st cell
The next deep before to end 16 1/2
7 deep the last the 17 1/2 in many
cell

Exhibit 4 Spanish

General
Fitzhugh

Consulado General de los Estados Unidos.

HABANA.

Excmo.Sr.General segundo cabo encargado del despacho.

Excmo.Señor:

Se me informa que el ciudadano Americano Ricardo Ruiz,dentista,ha sido preso en Guanabacoa. Ruego á V.E.me comunique los cargos de que se le acusa. - Dios guarde á V.E.muchos años. Habana cinco de Febrero de mil ochocientos noventa y siete.-Fitzhugh Lee.- Rubricado- Consul General- Hay un sello del Consulado General de los Estados Unidos en esta plaza.

Exhibit 4 Spanish

Consulado General de los
Estados Unidos de America.

Habana.

Excmo.Señor General segundo cabo encargado del despacho.

Excmo.Señor:

En contestacion á la atenta comunicacion de V.E.de hoy relativa á D.Ricardo Ruiz,encausado en Guanabacoa,tengo el honor de manifestar á V.E.que dicho Señor es ciudadano Americano inscripto como tal en este Consulado Gral. al numero 2000 en Abril de 1880,debidamente naturalizado como ciudadano de los Estados Unidos en Tribunal competente (Court of Common Pleas No 3) de Philadelphia,Pa.,en 21 de Enero de 1880,segun consta en la carta de naturalizacion que tengo á la vista expedida por autoridad competente de los Estados Unidos y sello del tribunal librada a favor del citado Señor Ricardo Ruiz de Ugarrio.- Que a V.E.que en tal virtud sea puesto en libertad el ciudadano Americano referido de no resultar cargos fundados contra el mismo,y de lo contrario se le concedan los derechos á que es acreedor como tal ciudadano conforme al tratado de 1795 y protocolo de 12 de Enero de 1877,trasladando su causa á la jurisdiccion civil. Dios guarde a V.E.mucho años.-Habana 6 de Febrero de 1897.- Firmado: Fitzhugh Lee, Consul General.

Exhibit 4 Spanish

Consulado General de los Estados Unidos.

Habana.

Excmo.señor General segundo cabo encargado del despacho.

Excmo.Señor:

Hoy se me informa que el ciudadano Americano Don Ricardo Ruiz, que fué encerrado en un calabozo ó bartolina en la carcel de Guanabacoa el dia cuatro del actual lleva ya trescientas doce horas de incomunicacion, apesar de lo prevenido en la Ley de Enjuiciamiento Criminal vigente en Cuba y Puerto Rico, respecto á setenta y dos horas.- A consecuencia de tan prolongada incomunicacion ha perdido el preso la razon, se me dice.- En la comunicacion de V.E. del catorce del corriente me dice que la causa del Sr.Ruiz habia pasado á la jurisdiccion civil.- Ruego á V.E. se sirva informarme sobre el particular y sobre el estado del ciudadano Americano objeto de este escrito. Dios etc. Haban Febrero 17 de 1897. Firmado: Fithhugh Lee, Consul General.

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Exhibit 5

Casares Fishbaer.

Juan Mas Bausá, Corporal of the 49th Battalion of Infantry, of Otumba, and Secretary of the proceedings instituted in connection with the derailment of the train from Regla to Guanabacoa, the night of the 16th of January, of this year; of which Captain Francisco de Rosa Falcon, Captain of Infantry, is Judge.

I herewith state that on page #137 of the record of said proceedings there appears the statement which, as copied, says:

Statement of Military-Commander, Lieut-Colonel Narciso de Fonsdeviela.

"In Guanabacoa, on the 30th of January, 1897, the Judge, accompanied by me, the Secretary, went to the office of the Military Commander, Lieutenant-Colonel Don Narciso de Fonsdeviela Jiminez, who, conscious of the obligation to state the truth as to what he knows and as to what he might be asked, and sworn according to his rank and having the usual questions of the law put to him, said:

That his name was as stated; that he was of age, and a widower; that he was born in Barcelona, and lieut.-colonel of the infantry battalion of Lealtad; and that he had never been placed on trial.

Questioned as to whether on the night of the 16th inst. the inspector of police, Mr. Francisco Lopez Moreno, had informed him of the accident which had occurred on the railway line from Regla to Guanabacoa, and at what hour he was informed by the said individual of this fact, he said:

It was about half past ten on the night to which the question refers that being in a cafe he saw approaching the said police agent, from whom he understood, by a sign, that he wished to speak to him, and accordingly he went out to meet him and received an account of that which had happened, and ordered that the officer of the watch and Major Juan Barrajon should proceed to the place of the occurrence, and at the same time that other detachments should go out by other ways to the same point.

Questioned as to what information or advices he had been able to gather in reference to the occurrence under consideration, he replied:

That, according to the information which he had been able to gather, a group of insurgents which derailed the train came to Gambute with the sole object of securing some goods which they had deposited in the house of the telegraph-operator, Santiago Romero, their only object being to get such goods, because in no wise did it suit them to attract attention to the railway, since in future this would prevent them from securing goods through this medium; but, according to private advices, Luis Lamar and the dentist Mr. Ricardo Ruiz, both of this town, suggested the idea to them of capturing the mili-

tary passengers, representing to them this operation as very easy; that the said plan was developed in Regla and all of the employees of the railway, with the exception of Mr. Ricardo Diaz Villegas, knew of it; contriving in such wise as to surround it with the appearance of accident and thus avoiding the responsibility or suspicion, conveying the idea that it was a casual happening or an act of vandalism.

That being informed of the right which he has to read this, his statement, he waived it and ratified it, signing it in conjunction with the Judge and myself, the Secretary, who certifies to it.

Narciso de Fonsdeviela. (Rubricado).
(signed) Francisco de Rosa. "
Juan Mas. " "

-:-:-

On page 138 there is an order which, as copied, says:

Order of arrest of Mr. Ricardo Ruiz.

"In Guanabacoa, on the 30th of January, 1897, the Judge addressed an official communication to the Military Commander of this Station, recommending the apprehension of Mr. Luis Lamar and Mr. Ricardo Ruiz, and in proof of this statement it is provided that the Judge signs it with me, the Secretary, who certifies.

(signed) Juan Mas. (Rubricado).
Rosa. " "

-:-:-

On page 158 there is a document which, as copied, says:

"There is a seal of the jail of this City which reads: 'Royal Jail of Guanabacoa-Records #147.'

Entrance into the jail of Mr Ricardo Ruiz.

There has entered into this establishment Mr. Ricardo Ruiz de Ugarrio, sent by the Court of the Municipality as a person arrested and incommunicado, subject to your orders.

Of which I have the honor to inform you for future proceedings.

May God protect you many years,
(I remain, yours truly.)
Guanabacoa, 4th of February, 1897.
(signed) Fermin Tomas.

To Captain Francisco de Rosa,
Military Judge of this Station.

-:-:-

On page 160 there is an examination which says:

Examination of Mr. Ricardo Ruiz.

"In Guanabacoa, the 4th of February, 1897, the Judge, accompanied by me, the Secretary, went to the jail of this point, where the accused Ricardo Ruiz de Ugarrio is confined, who was made to appear and requested to tell the truth as far as he knew it and as far as he was questioned, according to the general questions of the law. He said:

That his name was as stated; that he was forty-six years old, married, born in Havana, a resident of Guanabacoa, by

profession,a dentist; that he knew how to read and write; that he had never been placed on trial and did not know why he was placed on trial now.

At this point the Judge informed him of the reason for which he was placed on trial, and his personal description as follows:

Hair:chestnut-brown; eyes:brown; eyebrows:brown; complexion:dark; nose:regular; mouth:regular;beard:thick and gray;no special marks.

Questioned as to who arrested him, in what place, day, hour and for what reason, he said:

That (vigilante guvernative) deputy-sheriff arrested him in his house about 9 o'clock in the morning of the date of to-day,without knowing for what reason he was arrested.

Questioned as to whether he knows the telegraph operator at Gambute, Santiago Romero; if at any time he had been in his house; if he has talked with him and about what were his conversations, he said:

That he knew him by sight because he had been some time in the railway station of this town selling tickets,but that he had never been in his house, nor had he ever spoken to him.

Questioned if he had ever sent to the house of said telegraph operator any packages, whom he had sent them by and for whom they were, he said:

That he had never sent any package anywhere.

Questioned if he knew Mr. Justo Luis Lamar,since when and in connection with what,he said:

That he knew an individual who was called Lamar,whose first name he did not remember,but was a lawyer,because he had treated,professionally, a son and daughter of said individual.

Questioned if before the accident to the train in question he had any information of that which was going to happen,and if he advised anyone to capture the military passengers that that train was carrying, describing the action as easy,he said:

That he had no knowledge of the fact until the day following, during the morning, when the fact was then public,not having advised anyone in regard to that whiah the question refers.

Questioned as to with whom he most often associated and what resorts he frequented,he said:

That the persons with whom he associated are Juan Gratacos, Jose Puiggros and his brother Isidro,and that the resorts he frequented were the houses of said individuals.

At this point the Judge decided to suspend the examination in order to continue it when it should be necessary,and read as it was by me,the Secretary, he affirmed of it and ratified its contents,signing with the Judge and with me,the Secretary,who certifies.

(Signed) Ricardo Ruiz de Ugarrio. (Rubricado).
Francisco de Rosa. " "
Juan Mas. " "

-:-:-

On page 167 there is an official letter which,as copied, says:

There is a stamp which says: 'Military Headquarters of Guanabacoa.' (Reservado). 'Confidential.'

Official letter giving account of arrest of Ricardo Ruiz de Ugarrio.

"The Honorable Mayor of the Municipality of this town, under date of to-day, says to me:

On this date there have been arrested and sent to the prison of this town as incommunicados and subject to the order of the Military Judge of Instruction,Mr.Francisco de Rosa, the civilians Mr.Luis Lamar and Mr. Ricardo Ruiz, according to that of which you inform me in your communication of the 30th of last January.

This I transmit to you for your information.

May God protect you many years.

(I remain, truly yours).

Guanabacoa,4th of February,1897.

(signed)

Lieu't Col.,Military Commander,

Narciso de Fonsdeviela.

To Captain Francisco de Rosa,

Judge of Instruction."

-:-:-

On page 168 there is a statement which,as copied,says:

Statement of Juan Gratacos.

"In Guanabacoa, the 5th of February,1897, there appeared before the Judge,I,the Secretary,being present,Juan Gratacos Jarro,who was informed of the object of his appearance and obligation he was under to tell the truth as he might know it and as he might be questioned and of the punishment to which a false witness is subject,and being properly sworn and asked according to the general rules of the law,said:

That his name is as stated, 68 years old, married,born in Banols,province of Gerona,Spain,resident of Guanabacoa, merchant,knowing how to read and write;he had never been placed on trial, and he knew Ricardo Ruiz,to whom he was not related, with whom he had no friendship nor enmity,nor interest in these proceedings.

Questioned if he knew that Ricardo Ruiz had any direct or indirect part in the derailment of the train,the subject of these proceedings;if he knew what houses he frequented and with what persons he associated,and if he had heard him talk at any time or discuss politics, said:

That he did not know that Ruiz had taken any part in said derailment,because he thought him incapable of such a thing; that the houses he most frequented was that of himself,and so declaring,and not associating with any others besides his professional patients; and he had never heard him discuss politics.

Questioned if he knew or had any information that Ruiz knew of the derailment before it happened, or if he advised

that it be carried out, said:
That he did not think him capable of such a thing.

Being informed of the right which he has to read himself this declaration, he waived it and read as it was to him by me the Secretary, he affirmed of it and ratified it, signing it with the Judge and with me, the Secretary, who certifies it.

)signed) Juan Gratacos. (Rubricado).
Francisco de Rosa. "
Juan Mas. " "
-:-:-

On page 169 there is a statement which, as copied, says:

Statement of Jose Puiggros.

"In Guanabacoa, the 5th day of February, 1897, there appeared before the Judge, and I, the Secretary, being present, Mr. Jose Puiggros Mausa, who was informed of the object of his summons and of the obligation which he had to tell the truth as he might know it and as he might be questioned, and of the punishment to which a false witness was subject, and being properly sworn and questioned according to the general rules of the law, he said:

That he was named as stated, 44 years old and married, born in Igualda, province of Barcelona, Spain, resident of Guanabacoa, business man; he knew how to read and write; had never been placed on trial; he knew Ricardo Ruiz, to whom he was not related, with whom he had no friendship, nor enmity, nor interest in these proceedings.

Questioned if Ruiz had taken part or had any knowledge before the derailment of the train, the subject of these proceedings; whether he knew it was going to happen or whether he took part, directly or indirectly, in it; which were the places he most frequented, and whether he had ever heard him discuss politics, he said:

That he did not know that Ruiz had taken any part in said derailment, likewise whether he knew of it or not before it took place; that the house he most frequented was that of Juan Gratacos; and he had never heard him discuss politics.

Questioned whether he knew whether Ruiz had advised anyone to derail train and capture military passengers, he said:

That he did not know.

Then, being informed of the right which he had to read himself this statement, he waived it and it having been read to him by me, the Secretary, he affirmed of it and ratified it, signing with the Judge and me, the Secretary, who certifies it.

Jose Puiggros. (Rubricado).
(signed). Francisco de Rosa. "
Juan Mas. "

-:-:-

On page 170 there appears a statement which,as copied,says:

Statement of Isidro Puiggros.

"In Guanabacoa,the 5th of February,1897, there appeared before the Judge,and I,the Secretary,being present,Mr.Isidro Puiggros Meusa,who was informed of the object of his summons and the obligation under which hewas to tell the truth as he may know it and as he might be questioned and the punishment to which a false witness was subject, and questioned according to the general rules of the law,he said:

That his name is as stated, 47 years old,a batchelor, a native of Igualda, province of Barcelona,Spain,business man: he knew how to read and write; he had never been placed on trial;he knew Ruiz,to whom he was not related,with whom he had no friendship,nor enmity,nor interest in these proceedings.

Questioned if he knew whether Ruiz had any knowledge of the derailment of the train,the subject of these proceedings; whether he knew of it before it was to take place, and whether he took any part,direct or indirect,in said accident;and if he advised anyone that it should happen and that they should capture the military passengers which that train carried,he said:

That he did not know.

Questioned if he had ever heard Ruiz discuss politics,he said:

That he had never heard Ruiz talk in the sense expressed by the question.

Then,being informed of the right which he had to read himself this statement, he waived it and it having been read to him by me,the Secretary,he affirmed of it and ratified it, signing with the Judge and me,the Secretary,who certifies it.

Isidro Puiggros. (Rubricado).
(signed) Francisco deRosa. "
Juan Mas. " "

-:-:-

Telegram from His Excellency, Captain-General.

On page 173 there is an official letter which.as copied, says:

"There is a stamp (heading),which says:'Military Headquarters at Guanabacoa, No. 388.'

His Excellency,the General,Commander-in-chief of the 3rd Army Corps, in a telegram of to-day,tells me to inform the Judge of Instruction,who has begun proceedings against Ricardo Ruiz,to ask for his certificate of naturalization and send to me the proceedings if it is found that he is an American citizen. Which I transmit to you for to be carried into effect.

May God protect you many years.
(I remain,truly yours).

Guanabacoa,February 5th,1897.
(signed). Lieu't Col.,Military Commander,
To Judge of Instruction, Narciso de Fonsdeviela.
Mr.Francisco de Rosa."

-:-:-

On page 174 there is a statement which,as copied,says:

Statement showing nationality of Ricardo Ruiz.

"In Guanabacoa, on the 5th day of February,1897, the Judge, I,the Secretary,being present, went to the prison of this town, where the accused Ricardo Ruiz de Ugarrio is,who was summoned before him and requested by the Judge to state whether he was an American citizen and to submit his certificate of naturalization.

He replies that he is a citizen of the United States of America,presenting his certificate of naturalization,which,as copied,says:

'There is a coat of arms--Consulate-General of the United States,Havana,Island of Cuba--Certificate of Nationality. The Consul-General of the United States of America in Havana. I certify that Mr. Ricardo Ruiz de Ugarrio has proved in this Consulate-General that he is a naturalized American citizen and as such is inscribed in the registry of this Consulate-General,according to number and (filiacion) noted on margin. Havana, August 10th,1896.

There is an undecipherable signature ending with the name Lee,and then a rubricado.

Consul-General.

There are two undecipherable (dry) seals.

To the Honorable Governor of the Province of Havana.

On the margin (filiacion) #2,000. (1880).

Age:45 years;place of birth:Cuba; condition:married; profession:dentist; place of residence: Guanabacoa---(see Consulate Certificate);naturalized in Philadelphia January 21st,1880.'

Which document is given back to the keeper of the jail of this town for him to keep in his possession untip it shall be decided what is to be done with Ricardo Ruiz de Ugarrio.

That it may be stated as in evidence,the accused signs this and the keeper of the said establishment,with the Judge and with me,the Secretary,who certifies.

(signed) Ricardo Ruiz de Ugarrio,(Rubricado).
Fermin Tomas, "
Francisco deRosa, "
Juan Mas. " "

-:-:-:-

On page 175 there is a statement,which,as copied,says:

Statement of the delivery of the papers in the proceedings.

"In Guanabacoa, the 5th of February,1897,the Judge agreed to submit the papers in these proceedings in compliance with official letter found on the folio 163,and it appearing that the accused Ricardo Ruiz is an American citizen,the Military Commander,in order that it should follow its course,requesting an acknowledgment of its receipt.

And in order that it may be stated as evidence,the Judge signs it with me,the Secretary,who certifies.

(signed) Juan Mas. (Rubricado).
Rosa. " "

Letter of Consul-General of the United States of America.

On folio 176 there is a letter which, as copied, says:

"United States Consulate-General,
Havana, February 6th, 1897.
To His Excellency, the General, 2nd in Command and in Charge.

Excellency:

In answer to Your Excellency's letter of the 5th inst., relative to Mr. Ricardo Ruiz, under arrest at Guanabacoa, I have the honor to inform you that the said prisoner is an American citizen, registered as such in this Consulate-General under #2,000, in April, 1880, duly naturalized as a citizen of the United States before the Court of Common Pleas of Philadelphia, Pa., on January 21st, 1880, as appears by his certificate of naturalization, which I have before me, issued by the proper authority of the United States and bearing the seal of the proper Court in favor of the said Ricardo Ruiz.

Therefore, I beg Your Excellency will please order the release of the American citizen referred to if there are no well founded charges against him, or if otherwise, that the rights to which he is entitled as an American citizen be granted him under the protocol of the 12th of January, 1877, referring his case to the civil jurisdiction.

I am,
(signed) Fitzhugh Lee,
Consul-General.

-:-:-:-

On page 177 and following pages there are the decrees and orders, as follows:

Decree of Captain-General.

" Havana, 6th of February, 1897.

In connection with the proceedings in regard to the derailment and attack on train between Regla and Guanabacoa, let this writing be transferred to the Auditor de Brigada, (Brigade Advocate), in fiscal matters, in order that he may render an opinion-- P A--

The General, Second in Command, in charge of the office.

(signed) Anumada. (Rubricado).

There is a stamp of the Captaincy-General."

-:-:-:-

Opinion of Auditor de Brigada.

"Your Excellency,

Sir:-

Whereas the question of jurisdiction in the proceedings begun in consequence of the derailment, attack and robbery of the train from Regla to Guanabacoa, effected by insurgent forces, in which there is implicated the citizen Ricardo Ruiz de Ugarrio, the undersigned says:

There having been duly proved by the statement on folio 174 and by official letter of the Consulate of the United States of America in this Capital, under date of the 6th of this month, that said accused is an American citizen of the United States of America of the North: in compliance with the protocol issued by royal order on May 29th, 1877, it is proper to order the transfer of the proceedings in connection with the said citizen, Ricardo Ruiz, to the ordinary jurisdiction and proper court of instruction corresponding to the district in which the act was committed, as he has not been captured with arms in his hands. If your Excellency agrees with the opinion of the Advocate, which will be included in this letter, you will send a certified copy of the proceedings against the said Ricardo Ruiz to the proper Court, requesting an acknowledgment of the receipt and to state whether he accepts the jurisdiction of these proceedings, because, if he does not, the question of contention will be immediately raised adversely. (De acordar V E de conformidad con atento oficio inhibition en el quese insertara este dictamen y acuerdo auditoriado que recaiga habre de remitirse testimonio de lugares qie sean pertinentes, tanto de culpa contra el paisano referido Don Ricardo Ruiz al referido Jusgado------). If your Excellency agrees, you will have to return these proceedings to the Instruction Judge in compliance with the decree, who will extract and remit the testimony which is provided by Article 28 of the Code of Military Justice. Your Excellency nevertheless will decide.

Havana, February 8th, 1897.

(signed) Ramon Mendez. (Rubricado)."

-:-:-:-

"Havana, 8th of February,1897.
Section 5.

Decree of Capt. General.

Let it be submitted to the Auditor-General (Advocate-General)-PA-- By authorization of The General,Second in Command,in charge of the office.

(signed) Ahumada. (Rubricado).

-:-:-:-

"There is a seal of the Captaincy-General.

Report of Auditor-General.

Dear Sir:-

In conformity with the law,the preceding report of the Auditor de Brigada in fiscal matters,it follows that your Excellency will please agree as is proposed,in absence of a better decree of your Excellency.

Havana, February 13th,1897.

(signed) Juan Romero. (Rubricado).
There is a steamp of the Advocate-General."

-:-:-:-

Decree of inhibition emitted by Advocate.

"Havana, 14th of February,1897.
Section 5.

In conformity with the preceding report,I renounce the jurisdiction in these proceedings in connection with the citizen Ricardo Ruiz in favor of the Judge of Instruction at Guanabacoa, to whom at the proper time there shall be sent the proper testimony of the locality,requesting a receipt. In order to extract the said testimony of the locality as determined by paragraph 1? of Article 28 of the code of Military Justice, and similar one for the statistical office of this Captaincy-General and other consequences, let the proceedings return to the Judge of Instruction through the Military Headquarters at Guanabacoa, which will acknowledge receipt--PA--
By the General,Second in Command,in charge of the office.
(signed) Marquis de Ahumada. (Rubricado).
There is a seal which says: 'Captaincy General of the Island of Cuba--General Staff.' "

-:-:-:-

Official letter of transfer of proceedings to this Court.

On folio 181 there is an official letter,which,as copied, says:

"There is a stamp which says:'Military Headquarters of Guanabacoa, #456.'

In compliance with the decree of the Captain-General, approved of by the Advocate, I send you herewith the preliminary proceedings in connection with the crime of derailment, assault, robbery and abduction of passengers which the train from Regla to Guanabacoa carried, of which preliminary pre-

ceedings please acknowledge receipt,to me.
God protect you many years.
(I remain,truly yours).
Guanabacoa, 14th of February,1897.

(signed) Lieu't Colonel,Military Commander,
Narciso de Fonsdeviela. (Rubricado).
To Captain,Judge ofInstruction,
Francisco de Rosa.

-:-:-:-

Statement transmitting evidence.

On folio 216 there is a statement which,as copied,says:

"In Guanabacoa. on the 15th of February,1897, the Judge agreed to send the Captain-General the evidence in connection with localities referring to the citizen Ricardo Ruiz and duplicate copies of the evidence which are prescribed by paragraph 12 of Article 28 of the Code of Military Justice,for the objects of the prescribed 'inhibition,' it was stated where the accused is and an acknowledgment of the receipt was asked for.

And in order that it may be stated as evidence,the Judge signs it with me,the Secretary,who certifies.

(signed) Juan Mas. (Rubricado).
Rosa. "

-:-:-:-

On folio 217 there is an official letter which,as copied, says:

"There is a stamp which says:'Court of First Instance of Guanabacoa--Urgent.'

Official letter of Civil Court.

The keeper of the jail of this town,under date of to-day, tells me the following:

On the morning of the date of to-day I said to the Judge of Military Instruction, Francisco de Rosa, the following: Ricardo Ruiz de Ugarrio, prisoner and incommunicado in this establishment, subject to your orders since the 4th inst., I have observed since yesterday that apparently he is not in possession of his intellectual faculties, having passed the night without sleeping and talking nonsense,which I have the honor to report to you for your information and action that you consider proper as a precaution against what might occur.

And the said Military Judge having stated verbally that he had withdrawn from the said proceedings because it had passed to the ordinary tribunals, I inform you for the objects that you may consider proper,that upon my return to the jail the said prisoner Ricardo Ruiz had made an attempt against his life, hitting his head upon the door of the cell,in the absence of other objects upon which to do it, which blows produced an excoriation and blood on the scalp. According to which circumstances, I ordered that immediately there shall come to this establishment the

doctor charged with the medical care of the prisoners of the same, in order that he may examine and certify as to the state, concerning which I will report again to you.

God protect you many years.

(I remain, truly yours.).

And I transfer to you for your knowledge and proper action because the said Dr. Ruiz is not in the jurisdiction of this Court, asking you to acknowledge receipt of this letter.

God protect you many years.

(I remain, truly yours).

(signed) Fulgencio de la Vega. (Rubricado).

Guanabacoa, February 16th, 1897.

To the Judge of Military Instruction,
Francisco de Rosa. "

-:-:-:-

On folio 218 there is a statement which, as copied, says:

Reply to preceding letter. "In Guanabacoa, the 16th of February, 1897, the Judge resolved to transfer to the civil court of the First Instance of this District the following official letter:

In reply to your amiable letter, under date of to-day, in which you are pleased to transfer to me a letter from the keeper of the jail of this town, telling you that Ruiz is apparently somewhat disturbed in his mental faculties, having made an attempt against his life, I have the pleasure to state to you that said individual does not come under my jurisdiction, because the Captain-General of the District has withdrawn from consideration of the proceedings which are under consideration in this Court, on account of the derailment, assault and robbery of train from Regla to Guanabacoa, the night of the 16th of last month, as far as Ruiz, the American citizen, was concerned. Having to signify to you that His Excellency has resolved the withdrawal in favor of the Court and jurisdiction of your worthy charge, in accordance with which since yesterday I sent to the higher authority the evidence of localities and decree of withdrawal.

And in order that it may be stated as evidence, the Judge signs it with me, the Secretary, who certifies.

(signed) Juan Mas. (Rubricado).
Rosa. " "

-:-:-:-

On folio 246 there is an official letter which, as copied, says:

Official letter of Military Headquarters.

"There is a stamp which says: Military Headquarters of Guanabacoa, #598.

In an official letter of the Captaincy-General, under date of the 17th inst., I am told the following:

The Consul-General of the United States of America in this District, under date of to-day, tells me the following:

To-day I am informed that the American citizen, Ricardo Ruiz, who was locked up 'bartolina' in the jail at Guanabacoa on the 4th inst., has had 312 hours of incommunication, in spite of the provisions of the law of criminal proceedings in force in Cuba and Porto Rico, which limits such incommunication to 72 hours. In consequence of this prolonged incommunication the accused has lost his mind, as I am told. In Your Excellency's communication of the 14th inst. you told me that the trial of Ruiz had passed to the civil jurisdiction. I ask Your Excellency to please inform me concerning this matter and concerning the condition of the American citizen, the object of this communication.

I transmit this to you so that you will please make report having heard from the Judge of Instruction, which I transmit to you so that you may please inform me as requested.

God protect you many years.
(I remain, truly yours).
Guanabacoa, February 18th, 1897.

(signed) Lieu't Col., Military Commander,
Narciso de Fonsdeviela. (Rubricado).

To Francisco de Rosa.
Judge of Instruction."

-:-:-:-

On folio 247 there is a statement which, as copied, says:

Information asked for in preceding.

"In Guanabacoa, February 22nd, 1897, the Judge decided to pass an official letter to the Military Commander, which, as copied, says:

In compliance with your respectful letter. #5618, under date of the 19th inst., presenting another one from the Captain-General of the District of the 17th inst., so that he might report upon the communication of the Consul-General of the United States of America in Havana concerning the time which the incommunication of the citizen of the said Nation lasted, Ricardo Ruiz, I must state to you that said individual entered as a prisoner incommunicado in the jail of this town by order of the undersigned on the 4th inst., as implicated in the proceeding #6469, for the derailment of train from Regla to Guanabacoa and other crimes committed on said occasion, the night of the 16th of last month; taking from him

his declaration on the same day, the 4th inst., a few minutes after his entrance into the said establishment, when the accused not mentioning that he was an American citizen or of any other foreign nation, of which this Court had knowledge of on the day of the 5th, in the afternoon, when it was ordered by superior authorities that other inquiry be made of Ruiz, in order that he should confess and prove if he were an American citizen, and, in the affirmative, that they should make the proper statement and should remit the proceedings to the Captain-General, which was done the night of the 5th, as a proof that Ruiz was really an American citizen.

The proceedings referred to were returned by His Excellency to the undersigned on the night of the 14th of the present month, with a decree of His Excellency, approved of by the Advocate, withdrawing from the consideration of the study and consideration of the same in the part pertaining to Ruiz in favor of the ordinary jurisdiction and Court of the First Instance of Guanabacoa. To which end there was ordered the withdrawal of the testimony of the accused. The proceedings against the accused and the duplicate which is prescribed by Article 28 of the Code of Military Justive, which documents were put in the mail on the afternoon of the day of the 15th.

As shown, it is seen clearly that from the 5th, at night, until the 14th, also at night, nothing could be done by the undersigned in the said proceedings, because it was sent to the judicial authorities, nor after the 14th anything in connection with Ruiz because the said authority had withdrawn in favor of the ordinary authority, confining himself solely to extract and transmit the evidence mentioned and to state that the accused was detained and incommunicado in the jail of this town.

Article 478 of the Code of Military Justice, under which jurisdiction Ruiz was, nothing was said of the number of hours which incommunications must last, inasmuch as the Judge of Instruction has the power to decree them as many times as he thinks it necessary to avoid plots of the accused among themselves or with persons outside, circumstances which the Judge of Instruction must appreciate in accordance with the entry of the proceeding and the condition of the accused.

That which is said is all I can inform you of concerning the matter which occupies our attention.

And in order that it may be stated as evidence, the Judge signs with me, the Secretary, who certifies.

(signed) Juan Mas. (Rubricado).
Rosa. " "

-:-:-:-

Let it be stated that from the transmission of the proceedings to the Captain-General of the District for his examination and decision in the question of jurisdiction, because Ricardo Ruiz de Ugarrio turned out to be an American citizen, the progress of the trial was interrupted until the question of withdrawal was granted in favor of the ordinary Court and Court of Instruction of Guanabacoa, ending definitely the war jurisdiction in the case. The legal proceedings having been observed that referred to Ruiz de Ugarrio the trial continued through this jurisdiction to proceed for the others that are implicated and have not been found up to the present time to be American citizens.

And to remit the Captain-General of the District, and by his order, I issue the present document and the things which may be necessary in Guanabacoa, the 24th of May, 1897.

Aware of the contents of this, having read it.

(signed) Juan Mas. (Rubricado).

Francisco de Rosa.

(Rubricado).

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Digest of Exhibit 6. Consular Fishback.

Memoranda from the report of the civil trial of Dr. Ricardo Ruiz de Ugarrio:

The civil trial begins with the translated article of the "New "York Herald."

On the 5th of March,1897, by a decree of the District Attorney of Havana, in view of the cruelties denounced by the "New York Herald," a public investigation was ordered to be made of the charges.

On the 5th of March,1897, the Judge of Guanabacoa orders that proceedings should be taken to see what truth there is in the denunciations of the "New York Herald."

On the 5th of March,1897, the Judge of Guanabacoa addresses a letter to Consul-General Lee,asking him to be kind enough to produce whatever proofs he might have,so that if any crime was shown it should be punished.

On the 16th of February,1897, the jailer writes to the Judge of Instruction to know if he had withdrawn from the proceedings against Ricardo Ruiz, and states that he finds that Ruiz is suffering from mental disorder and that he has inflicted upon himself a slight wound of the scalp,and that a physician had been called in. (This statement of the jailer was based upon the medical examination made by this physician).

On the 16th of February,1897,the military judge states to the jailer,in reply to the latter's letter,that he has withdrawn from the case and has nothing to do with it.

On the 17th of February,1897, the jailer notifies the civil judge of instruction that Ricardo Ruiz had died,and asks that an autopsy be made,with the object of knowing the cause of his death.

On the 17th of February,1897, there is a statement of Fermin Tomas in which it is proven that Ruiz,upon being incarcerated,gave his certificate of nationality,and he also states what happened during the residence of Ruiz in the jail.

Declarations of Juan Gratacos and Jose Puiggros identifying the body as that of Ricardo Ruiz de Ugarrio.

On the 17th of February the Judge orders that proper care should be taken of the body of Ricardo Ruiz until further orders.

On the 18th of February an order of the Captain-General is accepted in which the body of Ricardo Ruiz is ordered to be delivered to Consul-General Lee.

On February 18th an autopsy was made on the body of Ricardo Ruiz by the physicians of the locality, in the presence of Dr. Burgess.

On the 18th of February an order was given by the Judge so that the corpse should be given to the friends of the family.

On February 20th the doctor who was in charge of the autopsy made upon the body of Ruiz appeared before the Judge and gave a statement relative to the autopsy.

On the 6th of March, Military Commander and Lieut.-Col. Narciso de Fonsdeviela was made to appear before the Civil Judge of Instruction, to make a statement as to his reasons for ordering the arrest of Ricardo Ruiz, and he stated that he had issued the order for his arrest by order of the Military Judge of this Station, Francisco de Rosa, and he requested it of him in connection with the proceedings under his direction relative to the derailment and assault upon the train between this City and Regla.

On the 6th of March an additional report of the autopsy was made.

On the 6th of March was made an additional statement on the part of the jailer, to the effect that Ricardo Ruiz abstained purposely from food, smoked excessively, drank a great deal of coffee and indulged in lamentations about his wife and children.

On the 6th of March a prisoner, Jose Mateo Gamarre, who was detailed by the jailer to watch Ricardo Ruiz in the cell known as Santa Maria and prevent him doing himself bodily harm, as they had noticed that he had made two or three attempts against his life, stated that he did not know that Ruiz was in any way ill treated, either by word or act; he heard that Ruiz had a fit and died.

On the 6th of March prisoner Antonio Nova testified to the attempts of Ruiz to take his life.

On the 6th of March prisoner Augustin Amador Reyes made a statement similar to that of Nova and added that he prevented, with his hands, while in Santa Maria cell, Ruiz butting his head against the grating.

On the 6th of March political prisoner Dr. Cirisco Arango states that on February 17th, the day of thd death of Ruiz, he was called to see Ruiz professionally and he states what he saw and how Ruiz died, he being present at his death.

Jose Puiggros,nephew of Dr.Ricardo Ruiz,confirms his statement of the 17th of February and adds that he knows that while Ruiz was in jail every consideration and kindness was shown him, and he does not know, neither has he any information to show,that he was the object of ill-treatment,either by word or act. Also that he did not know that his uncle was sick or suffering from any illness, and that he was a kind father and husband;he does not know the cause of his uncle's death;he does not believe his death was due to violence or produced by a third person;that his uncle had a nervous and irritable disposition which showed itself especially on occasions in ordrinary life when he was vexed,and that he knew that owing to the natural disposition of the man jail life must have made him exceedingly irritable.

On the 6th of March Juan Gratacos confirms his statement of February 17th and adds that he believes that Ruiz received in jail every consideration and kindness,and that he himself sent to Ruiz,at the request of his wife, a traveling extension chair;that he does not know that Ruiz was the object of bad treatment,either by word or act,during his confinement;that during twelve years of intimate friendship with Ruiz he had not known him to suffer from any affection,and that he knew that Ruiz was affectionate with his family, as well as with other persons;that he has not heard of the cause of the death of Ruiz, nor has he heard that his death was a violent one or produced by the hand of another.

On March 6th Rafael Galindo states that the same day Dr. Ruiz was arrested,and by order of his wife,he carried to Ruiz some bedding and an overcoat,which things he knows were given to Ruiz immediately by the jailer;he also knows that an extension chair had been given Ruiz the same night by Juan Gratacos;he does not know that Ruiz was ill treated,but,on the contrary,he knows that all sorts of kindnesses were given to him by the employees of the jail.

On the 10th of March, Antonio Ruiz de Ugarrio,brother of the deceased, fifty-three years of age, stated that he is a brother of the deceased;that his deceased brother was arrested as he believes,on the 4th of February;he does not know that his brother was an object of ill treatment during his confinement;he knows,owing to being so informed by the Secretary of the Municipality, that his brother died of cerebral hemmorhage;he did not go to see his brother during his confinement because he was incommunicado;that his relations with his brother were good, and he had not heard anything as to whether or not his brother's death was due to violense.

On the 8th of March is a letter from Consul-General Lee to the Judge at Guanabacoa,in which it is stated that he does not take part in the proceedings because he has not received in-

structions to do so from his Government.

On the 11th of March architect Fernandez Aleman describes the cells of the jail where prisoners are confined incommunicado and gives their dimensions,to the effect that each one of them measures as follows:

5.87 metres in length.
2.47 " " width.
5.77 " " in heighth.

which measurements give a cubic capacity to each cell of 83.76 metres. That to each one of these cells is a door of entrance,of wood,measuring 1.29 metres in width and 3 metres in heighth. That over each door,for ventilation,there is a window,with bars of iron,the windows measuring 1.29 metres in width and .49 metres in heighth. That the floor of said cells is higher than the level of the corridor or passage outside and that it is made up of tiles from Hamburg. And that on account of the soil being rocky there is no evidence,whatever,of dampness. That the cell known as Santa Maria,which is situated on the right wing of the building,measures 5.75 metres long, 5.88 wide and 5.77 in heighth, which measurements give a cubic capacity to the cell of 191.77 metres. That the entrance to the said cell is a door of iron bars measuring 3.83 metres high and 2 metres wide. He further proceeds to give a description of the corridors and cells of the jail.

On the 23rd of February is a declaration of the Mayor of Guanabacoa.

On the 23rd of February the jailer testifies again and goes into more detail,but in substance it is the same as before.

On the 23rd of February Dr. F.Vidal,physician of the municipality,gives details of the treatment given by him to Ruiz when he was s ck at the jail.

Jose Fernandez and Saturio Escudero,military physicians, make a declaration as to their knowledge of the affair.

On the 23rd of February Turnkey Antonio Nova makes a declaration.

On the 23rd of February Laborio Miera,one of the oldest prisoners at the jail,makes a declaration as to the good treatment of Ruiz while a prisoner.

On the 23rd of February Marcelline Mejias,prisoner,makes a declaration to the good treatment of Ruiz while a prisoner.

There is a declaration of Rafael Galinto Pinero,resident of Guanabacoa and intimate friend of Ruiz,to the effect that Ruiz received all possible care while in jail.

On the 24th of February there is information from the Advocate-General as to the death of Ruiz. This is on page 105 of the record of the civil trial.

Page 110 of the same record shows the declaration of Antonio Ruiz, brother of the deceased, describing an attack which he had about eight years ago, which was very similar to cerebral congestion, and that he was taken with this attack while at the office of the Mayor.

On the 16th of March is the declaration of Enrequita Ruiz, sister of the deceased and a widow, to the effect that she has not heard and has no information as to the death of her brother; she has not heard that his death was due to violence; she made no effort to see him because he was incommunicado.

Dr. Rafino Vidal Alvarado, on the 18th of March, states he knows the Ruiz family and that he remembers that about 7 or 8 years ago, one day, on going into the office of the archives of the Municipality of this City, found Antonio Ruiz, a brother of the deceased Ricardo Ruiz, suffering from some cerebral disturbance; that he had then prescribed a purgative to prevent his having cerebral congestion, and that through his friendship and knowledge of the man believed he must have had a cerebral congestion.; that he thinks the said Antonio Ruiz had nervous contractions of the face and an irregular gait in walking, caused by some cerebral congestion with hemmorhages, without being able to state this positively, because he had never made a thorough examination. On the 19th of March he examined Antonio Ruiz and finds that he is suffering from paralysis of the right side, with a slight defection of the bips, and from this he believes that he is suffering probably from some congestive condition of the brain, probably on the left side.

Juan Valdez Valenzuela, of Havana, who was called in and assisted Antonio Ruiz at the time of his attack, described the trouble as above.

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Exhibit 7, Casares Fishbrech.

Jose Puiggros, upon being administered the oath according to law, made the following replies to the questions asked of him:

JOSE PUIGGROS.

By Dr. Congosto:

Q. I ask him if he knew Doctor Ruiz.

A. He says, yes.

Q. I ask him what kind of friendship or relations he had with him.

A. He says,he is his nephew, that he is married to a neice of Ruiz.

Q. I ask him how long he knew Ruiz.

A. He says, about four years.

(Here Consul-General Lee stated: "He gave some testimony before the military court." Dr.Congosto replied: "He gave testimony before the military court.).

Q. What kind of temper did Ruiz have,I ask him.

A. He says he had a normal character,though inclined to be a little violent when angry.

Q. I ask him what he knows about what has been said about his death in Guanabacoa.

A. He says that he did not know anything of it, that he was put in prison and he remained incommunicado,and thirteen or fourteen days afterwards he heard he was dead. He says he did not hear anything except that he took his meals; he did not see the man,but they were given to him. He also says he has heard rumors,but rumors only, on the streets.

Q. I ask him if he knew about the wound on his head.

A. He says he was told so and went to the jail and felt the head and saw there a scratch which he was told was done to t[redacted]ead.

Q.askI ask him if he he[redacted]he was ill treated.

A. He says he has heard many stories,but that when he has come to the point with them all have denied it. He says he has heard that he was ill-treated,but that when he asked any particular person they could not tell him anything.

Q. I ask him if he knew or heard that he was ill-treated in jail.

A. He says he was told that he had ill-treatment when in jail.

Testimony of Jose Puiggros:(Continued).

At this point in the proceedings (2:10 p.m.),Mr.W.J.Calhoun arrives.

JOSE PUIGGROS. (Continued).

Q. I ask him if he has any knowledge if the Ruiz family suffered from some mental disease.
A. He says,no.
Q. I ask him how long he knows the family.
A. He says,about six or eight years.

By Consul-General Lee:

Q. Is he the man who took the chair to Ruiz?
A. He says another witness is the one who carried it and he heard from him that it was given to him.
Q. Ask him if he saw Ruiz after he was placed in the cell until after his death.
A. He says,no,he did not see him until he was called to identify the body.
Q. Did he take up the chair?
A. He says,he did not.
Q. Ask him if he saw Dr. Ruiz the night the train was attacked between Regla and Guanabacoa.
A. He says,no,sir.

By Mr.W.J.Calhoun:

Q. How long have you known Dr. Ruiz before his death?
A. He says,five years and a half he knew him,by sight,and four years that he spoke with him. Eighteen months he is married to his neice.
Q. In the last eighteen months did he know him intimately and well?
A. He says,he knew him well.
Q. Just before the 4th of February,1897,what was the condition of his health?
A. He says,he was well,good.
Q. How was he as a strong and healthy man?
A. He says,yes, a full-blooded man.
Q. Was he a member of a gymnasium over there?
A. He says,yes,he did a great deal of gymnastics.
Q. He was something of an athlete?
A. He says,he was a well developed man.
Q. What was his temperament?
A. (By Dr.Congosto:This has been asked before).
Q. What were his habits as to being devoted to his family and business,or otherwise?
A. He says,he was a good man;attended to his business all of the time,except once a month, when he came to Havana to get material;that he was always with his wife and children, and on Sundays he took care of his garden, and the only place he went to was that of his friend Gratacos.
Q. He was a man then of simple habits and quiet tastes?
A. He says,yes.
Q. Did he go about public places,loaf about cafes or groceries?

Testimony of Jose Puiggros:(Continued).

JOSE PUIGGROS.
(Continued).

A. Never.
Q. Where did he spend his hours and leisure after his day's work was done?
A. He says, that the only place he went was to his friend Gratacos, and spent all his Sundays working in his garden.
Q. He was fond of flowers and plants?
A. He says,yes.

By Consul-General Lee:

Q. Do you know whether Dr.Ruiz ever had any connection with the insurrectionists in any way,by receiving letters or sending packages?
A. He says, he had no knowledge of that;he only supposes that;he has no proof of that.

By Mr. Calhoun:

Q. Was he in the habit of talking politics,so far as you know?
A. He says, no, never heard him.

By Consul-General Lee:

Q. He was his most intimate friend; he married his neice?
A. He says,no sir,not his most intimate friend,the other was.

By Mr. Calhoun:

Q. At any time that he was in jail at Guanabacoa,did you go about the jail anywhere on any evening while he was there?
A. He says,never.
Q. Did you and Gratacos one evening go to some house that caused you to go by the jail on the outside?
A. He says,no.
Q. Did he ever go by the jail and hear noise from Ruiz in his cell,crying for his children or making any complaint?
A. He says,no,he has never been four blocks from the jail.

By Consul-General Lee:

Q. What is your business in Guanabacoa?
A. He says,baker.
Q. Did you regard yourself as an intimate friend of Dr. Ruiz?
A. He says,he was an intimate friend.

By Dr. Congosto:

I want to ask this other question.
Q. I ask him if he knows that the treatment given to prisoners in this jail is bad.
A. He says,he has heard rumors,but he has never heard from anyone that political prisoners were ill-treated, so far as he knows.

By Dr. Congosto:

Can we discharge this witness?

By Consul-General Lee:

I am through with him.

JUAN GRATACOS.

Juan Gratacos, upon being administered the oath according to law, made the following replies to the questions asked of him:

By Dr. Congosto:

Q. I ask him if he knew Dr. Ruiz.

A. He says,he has known him very intimately for twelve years;he lives across the street.

Q. I want to ask him if he knows that Dr.Ruiz was ill-treated when he was in jail.

A. He says, he does not believe he was ill-treated,because he did not deserve any bad treatment.

Q. I ask him if he knew he was ill-treated by word or act.

A. And he says,no.

Q. I ask him if he knew if he took any bedding to him.

A. He says,no,he only knew that he gave him a long chair,which his wife sent to him.

By Consul-General Lee:

Q. When was the chair sent to him?

A. He says,that the first day he was in jail he heard he had only a chair and was sitting on that chair all day,and for that reason he sent the extension chair to him. He don't remember how many days was that.

By Dr. Congosto:

Q. I ask him if he believes or thought that anyone could sleep in that chair sent to him.

A. He says,that the chair was a steamer-chair and could be used for that.

Q. I ask him if there was anything sent to him as eating or drinking.

A. He says,no.

Q. I ask him if he knew if his wife sent to him anything to eat while in jail.

A. He says,yes.

Q. I ask him if he knew that the meals sent to him on the last day were received by him.

A. He says,he does not know. He says the only thing he knows is that the day before he died, that night he was passing near the jail and heard a voice calling "Don Juan," (Mr.John),the name he used to give him. That it was about two p.m. that he heard he was deranged in his mind. And he did not go to see him because he was incommunicado. That had he thought of it at the time he might have gone and asked what was the matter with him, but he did not go because he had never been near the place.

Q. I ask him if he believes he could have seen him had he gone to the jail.

A. He says,that he did not go near the jail because he was incommunicado, but he thought that if he

Testimony of Juan Gratacos:(Continued).

JUAN GRATACOS.

(Continued).

could have gone and seen the jailer,he could have seen him,because he believed if he had seen him in that state that,probably, he would have calmed him; and next day he heard he was dead.

By Dr. Congosto:

I have nothing else.

By Consul-General Lee:

Q. Did you see Dr. Ruiz the night the train was attacked or stopped?

A. He says, he had the habit of going to his house,because he has had,since the month of November,someone sick in his house and the night that happened the accident, every night he used to be there from six to ten o'clock.

By Mr. Fishback:

Q. He says he was in this man's house from six to ten.

A. He says, he never saw anyone go in his house that was suspicious, patients of his, gentlemen and ladies, women and men. He says that if asked if the man was out of his mind that the only thing that made him judg so was that he heard him calling his name,which he thought strange.

By Mr. Lee:

Q. Is there any official notification about what time the train was attacked? I have information that it was about ten o'clock. What time did you hear the train was stopped? What time was it that he heard the train was attacked?

A. He says,that the first knowledge,he had of the attack on the train was the following morning and that he heard it was between nine and ten o'clock.

(Mr.W.J.Calhoun reads from a statement of Lieut.Colonel,Military Commander Narciso de Fonsdeviela,about his having been notified of it about 10:30 p.m. that day).

Q. And at that time Dr. Ruiz was in your house?

A. He says, he believes he was.

By.Dr. Congosto:

Q. I ask him if he knew that Dr.Ruiz had been beaten?

A. He says,he has already answered that question several times and he believes that while he was incommunicado he lost his mind and that was the cause of his death: that he beat himself.

By Mr. Lee:

Q. Did Dr. Ruiz go to his house after night the train was attacked?

A. He says,that from the beginning of October until the night of the day he was arrested that every day he used to go to his house from six to ten o'clock.

Q. Did you ever have any reason to suspect that he was connected with the insurrectionists in any way? Did they communicate with him,or he with them,in any way?

Testimony of Juan Gratacos:(Continued).

JUAN GRATACOS.

(Continued).

A. He says, he does not believe that because he was always taking care of himself the time he knew him and the only people he saw going there were patients.

Q. Was Dr. Ruiz a strong,healthy man at the time of his arrest?

A. He says,he was in good health and all the time he knew him he never saw him any time in bed.

Q. Did you ever know of his having any mental troubles or fits of any kind?

A. He says,he has never heard of it;neither in the family.

By Dr. Congosto:

Q. I ask him what kind of temperament he had?

A. He says, that when that action was done to him he would get excited like anyone else.

By Consul-General Lee:

Q. Would he get excited or angry quick?

A. He says,not very easy; he had more to do with women than with men,professionally. He says that for one man in this country who takes care of mouth there are twenty women who do likewise.

By Mr. Calhoun:

Q. His patients were mostly women?

A. He says,yes.

Q. He devoted his attention strictly to business?

A. He says, he did not visit anyone in Guanabacoa but him.

Q. He came to your house every evening?

A. He says,every evening from six to ten, from October to the date of his arrest. He says he had a son who died and who was very much liked by Ruiz,who used to take care of him.

By Consul-General Lee:

Q. Did you see the body of Ruiz after death?

A. He says,he was called to identify the body.

(Here Dr.Congosto states that this is one of the formalities required by law in this country.).

Q. Did you see me in Guanabacoa the day after Ruiz' death?

A. He says,yes.

Q. Did you know anything about arrangements having been made to bury him the morning after his death,just before I got there, such as having a cart and coffin, etc.

A. He says, he did not know that. He says the night of his death he was called,with Puiggros,to identify the corpse;that afterwards he was taken to the autopsy, where it was going to be made,and from there he was taken ----------

Q. What I want to ask is this: I have heard from other people that,while it was not,perhaps,to bury him

Testimony of Juan Gratacos: (Continued).

JUAN GRATACOS.

(Continued).

before I got there,as they did not know I was coming, but that they had made the arrangements to bury him in the usual way before I got there with the order from Marquis de Ahumada for his body. I got possession of the body and asked for an autopsy. The autopsy came about at my request.

(Here Dr.Congosto stated that the record of the civil trial shows there is an order calling for an autopsy).

That order may have been necessary. Before I got there that day I understood they had made arrangements for a cart and coffin, to bury him in the usual way:ie.,one of his kind. That is what I want to know.

A. He says,that the following morning a coffin from Havana was sent to the jail, the morning of the autopsy, the morning you (Consul-General Lee) were there. He says he has no idea that he was to be buried before you (Consul-General Lee) went there.

Q. Until that morning,or that day, no one knew I was going there and the authorities very properly had possession of the body. The story I heard was that they were going to bury him that morning I appeared there with an order for his body. The wife had then sent a coffin. I asked for an autopsy,and they had to go to certain authorities to have the order issued. It was late that afternoon before the autopsy----------

A. The wife ordered the coffin,he says.

By Mr. Calhoun:

Q. Ask him if he knows when Dr.Ruiz died.

A. He says, on Wednesday,the 17th of February,at one or half-past one. He learned that at five o'clock, when he returned to the house.

By Consul-General Lee:

Q. Mrs. Ruiz states she heard of it at six.

By Mr. Calhoun:

Q. During the time the Doctor was in jail,was he in the jail at any time?

A. He says,he was incommunicado and there was no use.

Q. He knows nothing about what took place in the jail?

A. He says,he only knows the things he heard him say when he passed near the jail.

Q. Ask him if he took that chair up there himself.

A. He says,he sent to his wife and he supposed his wife sent it to him.

Q. Did he see the chair after the Doctor died?

A. He says,no,he has not.

By Consul-General Lee:

Q. Does he know anything about any blankets,pillows or sheets sent up there?

A. He says,he does not know, perhaps he had.

Testimony of Juan Gratacos:(Continued).

JUANGRATACOS. (Concluded).

By Mr. Calhoun:

Q. Did he see the Doctor when he was arrested?

A. He says,he did not see him when arrested,but he heard when he came home and he went to both Judges to see about it.

-:-:-:-:-:-:-

Testimony of Antonio Ruiz de Ugarrio,who was duly sworn according to law:

By Dr. Congosto:

ANTONIO RUIZ de UGARRIO.

Q. I ask him his name.

A. He says, Antonio Ruiz de Ugarrio.

Q. I ask him if he was a brother of the deceased Ricardo Ruiz.

A. He says,yes.

Q. I ask him if he knows his brother was ill-treated in jail.

A. He says,he cannot assure it because he does not know it.

Q. I ask him if he heard of it.

A. He says,the only thing he knew was by the newspapers.

Q. I ask him if he had been badly treated.

A. He says,he does not know it.

Q. I ask him if he knows that the first days he was put in prison if any bedding or anything was sent to him.

A. He says,these things were sent to him and also cigars and eating.

Q. I ask him if he knows these things were given to him.

A. He says,he does not know that.

Q. I ask him if he believes they were given to him.

A. He says,the dishes were returned empty. He says that the chair was returned to them after his death.

Q. I ask him if he saw the clothes afterwards.

A. He says,no.

Q. I ask him if he was of nervous temperament.

A. He says,no,he was a good,temperate man.

Q. I ask him what his father died of.

A. He says,the gout.

Q. I ask him if his father had any mental disease.

A. He says,no.

Q. I ask what kind of disease hehimself has.

A. He says,he has been lame since he has been two years old from a fall;he also had some disease of erysipelas;he had a kind of congestion in 1884, but never lost a day's work.

(Here Dr. Congosto states: "I have nothing further.").

NTONIO RUIZ
e UGARRIO.
(Continued).

Testimony of Antonio Ruiz de Ugarrio:(Continued).

By Consul-General Lee:

Q. Are you a naturalized American citizen?
A. He says,no,sir.
Q. Did you see the chair sent to Dr. Ruiz before it went to the jail?
A. He says,no, he knew the chair was there.
Q. Do you live at your brother's house?
A. He says,no,sir.
Q. Did you see the chair when it came back from the jail?
A. He says,yes.
Q. Did you see the writing about the seat or edge of chair?
A. He says,he heard that something was written upon it but did not see it. He says,there were some scratches but he has not read them, that afterwards he saw in the newspapers what was written on it.
Q. Do you know if any blankets,pillows,sheets were sent to Ruiz?
A. He says,that some objects were sent to him,and some clothing was sent to him and returned to him.
Q. Ask him again if bed-clothing was sent to him?
A. He says,I don't remember, I don't know.
Q. Were you at the time of your brother's death holding office under the municipal government at Guanabacoa?
A. He says,tes,sir.
Q. How long have you been there?
A. He says,thirty-one years.
Q. Do you hold that office now?
A. He says,no.
Q. Do you know any reason why?
A. He says,no, that nine days after his brother's death he was discharged.
Q. Any reason given to you for it?
A. He says,he does not know, did not give him any reason.
Q. You held a municipal office for thirty-one years and nine days after your brother's death you were turned out without any reason?
A. He says,yes,sir.
(By Mr.Fishback) He says,in that service he has a clean record.
Q. Have you any reason to believe that your brother was in bad health at any time previous to his death?
A. He says,he never heard anything of the kind,he never was sick, that Dr. Lee was the family physician and he never had occasion to treat Ricardo Ruiz,that the only thing he had,perhaps, sometimes was headaches.
Q. Did you ever hear he had any trouble with his heart?
A. He says,never.

By Dr.Congosto:

Q. I ask him if he worked very much gymnastics?

Testimony of Antonio Ruiz de Ugarrio:(Continued).

ANTONIO RUIZ de UGARRIO. (Concluded).

A. He says,that since he was a young boy,and he believed that while in Philadelphia and the United States,he did a great deal of gymnastics, with the result that he was a perfectly developed man.

By Mr. Calhoun:

Q. How old was Ricardo?

A. He says, forty-six years; I am fifty-three.

Q. What was his weight?

A. He says, a little stouter than he is.

-:-:-:-:-:-:-:-:-

Testimony of Pablo Maruri, who was duly sworn according to law:

PABLO MARURI.

By Dr. Congosto:

Q. I have asked him his name.

A. He says,Pablo Maruri, Alcalde of Guanabacoa.

By Consul-General Lee:

Q. Did you ever see Dr.Ruiz after he had been placed in the cell at Guanabacoa jail?

A. He says,he has not had the pleasure of seeing him.

By Dr.Congosto:

Q. I ask him if he has seen him from the time he was arrested.

A. He says,he has not seen him, that the only time he saw him was when he was put in the box.

By Consul-General Lee:

Q. I understand you never saw him after he was locked-up?

A. He says,no,sir; neither when he was arrested.

By Dr.Congosto:

Q. I ask him if he has any idea of the manner in which he was arrested. I ask him if he knows how the man was arrested.

A. He says,he was arrested like any other man,but the man who arrested him called a carriage and put him in the carriage to prevent publicity,owing to the standing he had in the place.

By Consul-General Lee:

Q. Was he taken direct from the house to the jail,or was he ----------?

A. He says,he did not see him at the ayuntamento (town hall), that he was taken direct to the jail,he did not see him at the ayuntamento.

Q. As I understand it,he never saw him after he was arrested until he died?

A. He says,he saw him some days before he was arrested, he don't remember the number of days.

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COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Testimony of Rafael Galindo de Pinero, who was duly sworn according to law:

By Dr.Congosto:

RAFAEL GALINDO de PINERO.

Q. I ask him his name.
A. He says, as stated.
Q. I ask him his profession.
A. He says, it is clerk of the Court at Guanabacoa, escribano.
Q. I ask him if he knew Dr.Ruiz.
A. He says, yes.
Q. I ask him what relations he has had with Dr.Ruiz.
A. He says, he was with him since he was a very young man and their families went together.
Q. I ask him if he has any knowledge that Ruiz was ill-treated, by word or act, while in prison.
A. He says, not at all.
Q. I ask him if he ever heard he wasill-treated.
A. He replies, no, but he afterwards heard it spoken about; he has no knowledge of it.
Q. I ask him if he supposes he was badly treated.
A. He says, he knows he was treated with the consideration due all prisoners in the same condition.
Q. I ask him if he knows if political prisoners were ill-treated while in jail.
A. He says, no, he says that by his profession he goes to take depositions very often to the jail and while he has been there he has never heard of anyone being badly treated, and he never heard of anyone being badly treated while in jail.
Q. I ask him about the clothing that was sent to him the day of his imprisonment.
A. He says, that the afternoon of his arrest his wife sent over for him and she was very sad; that he said that anything he could do to relieve the condition of the prisoner he would do; that she wanted to know if certain things could be sent to him; that he went to the jail and asked the keeper if he might bring certain things; that the keeper told him he could; that he then returned to his wife and told her; that she called a carriage and these things were sent to him, among them an overcoat and bedding; that he took them to thejail in the carriage and gave them to thekeeper, who opened them and searched them to see if there was anything upon the inside; that then a keeper or watchman was called and he saw the things taken inside, inside the railing; and that he himself was only in the jailer's office.
Q. I ask him if he supposes there was any reason why the clothing was not given to him.
A. He says, there was no reason, but, on the contrary, he knows the man very well and knows he would not tell him one thing for another, as he is a personal friend of his.

Testimony of Rafael Galindo de Pinero:(Continued).

RAFAEL GALINDO de PINERO. (Continued).

By Consul-General Lee:

Q. Ask him what these things were he carried to the jail? Were they blankets,pillow cases,mattress?

A. He says, a kind of mattress,what you have on a bed.

Q. Do you know what became of these things after his death?

A. He says,that some things were given back to him and he took them to the widow of Ruiz.

By Dr.Congosto:

Q. I ask him if the clothing showed any signs of being used?

A. He says,yes.

Q. I ask him if he had any knowledge of the chair.

A. He says,he did not send it,but that one of the friends had sent it to him;he himself has a servant and the servant he put at the disposal of the wife to send anything to the jail she wished.

Q. I ask him if he had any knowledge about his eating, if it was sent to him.

A. He said,it was sent to him regularly.

Q. I ask him if he knows whether it got to the prison.

A. He says,he did not know, that besides what eating was sent him on evenings hot milk was sent to him, that he himself took this hot milk in a carriage,at the request of Mrs.Ruiz,who was worrying that he would not receive it in jail and she sent it to him, and he took it and handed it in through the bars.

By Consul-General Lee:

Q. Did Mrs.Ruiz ask you to take the bedding you describe to the jail?

A. He says,about mid-day,or in the afternoon,his wife personally gave those things to him.

Q. In her statement,written afterwards,she states he had nothing except that chair. I simply state that. My information is to that effect. I have no objections to stating it to him because he said the wife gave it to him. The chair was sent to him five days afterwards. Did you see Ruiz after he was dead?

A. He says,yes,sir. He says,that immediately he knew, about three o'clock,that he had died--he was told by the jailer, he saw the jailer and and saw the body himself,telling the jailer that now he had died he could see him. Then he left,as he went to tell his wife,and he told his wife,who wanted a photograph taken;that he and Gratacos went to the place and she saw the photograph taken and saw him there.

Q. When you saw his body do you remember the cell it was in?

A. He says,in the Santa Maria cell.

Q. Was he lying on the floor?

A. He says,he was on the bedding or mattress.

RAFAEL GALINDO

de PINERO.

(Continued).

Testimony of Rafael Galindo de Pinero:(Continued).

By Dr.Congosto:

Q. I ask him if he supposed the man was at any time ill-treated.

A. He says,no.

Q. I ask him if he was given all considerations.

A. He says,yes.

Q. I ask him if at the time he went there wieh his wife, if she expressed herself that the man was badly treated.

A. He says,she did not tell me anything.

By Mr.Fishback:

Q. How does he know what kind of attention or treatment he received?

A. He says, by what he has heard and seen of the people there;they don't treat people badly.

By.Dr.Congosto:

Q. I ask him what opinion he has of the jail.

A. He says,good.

By Consul-General Lee:

Q. What is his official position?

A. He says he is appointed by the Court and by the Court approved by the Government.

(Here Dr.Congosto states: I want to make an explanation of that. This place they get by position.It is the property of him. No one can take it away from him.There is a competition and the man who passes the best examination gets it. Simply as a form, after it has been made by the Court it is approved by the Government. He does in that position,unless he has some proceedings against him. He has had the position thirteen years. He got this position when the other gave it up. There was a vacancy and there were others who applied for the position, that he passed the best examination and got the position. His appointment was sent to Spain for approval.

Consul-General Lee states: It was not a competitive examination. When a vacancy occurred there was an examination and the man who had the best papers or best position--------

Dr.Congosto states: That the position can be taken away through his being prosecuted by the Court. We can show by law just how the appointments are made. As a curiosity,you can see it. The lawyer says he wants to call your attention to the fact that this man,through his position, visits the jail and that he could not see or hear anything wrong.

Consul-General Lee states: He don't see the man incommunicado any more than anyone else.

A. He says,he sees the prisoners incommunicado with the Judge when he has anything to say to them.

Q. Did he see Dr.Ruiz?

A. He says,he was not in the civil jurisdiction when he was incommunicado and,therefore,he was not sent for.

Testimony of Rafael Galindo de Pinero:(Continued).

RAFAEL GALINDO de PINERO. (Concluded).

Q. The point I was trying to make now was that there is some difference between a competitive examination and placing a lot of papers on file. Here is the point: if it is a competitive examination, the man who passes the best examination is appointed. If there is a number of applicants for a place, the Judge or whoever decides takes one out, and the one selected in that way is under some obligations to the appointing power, and when there is a competitive examination he has to be appointed whether the Judge likes him or not.

I have no more questions.

-:-:-:-:-:-:-:-:-

Testimony of Augustin Amador Reyes, who was duly sworn according to law:

By Dr. Congosto:

AUGUSTIN AMADOR REYES.

Q. I ask him his name.
A. He says, as stated.
Q. I ask him what he knows about the death of Ruiz.
A. He says, what he answered the other day.
Q. I tell him that has nothing to do with it.
A. He says, that the only thing he knows is that the day he was in Santa Maria cell he went there to give him some potion, that he went there to give him some medicine and the man came to but his head against the railing, and that he then put his hands there, and called help, which came.
Q. I ask him if he knows during the time Dr. Ruiz was in jail if anyone treated him badly, by word or act.
A. He says, no, to the contrary.
Q. I ask him if he knows they had some considerations for him.
A. He says, they had enough, they paid him many attentions.
Q. I ask him if he saw Dr. Ruiz during the time he was in jail.
A. He says, yes, he used to take him his meals.
Q. I ask him if he noticed anything wrong.
A. He says, on the contrary, everything was regular.
Q. I ask him if at any time anyone entered the cell.
A. He says, at the time the cell was cleaned or eating was brought to him, that he used to clean the cell.
Q. I ask him why he is a prisoner.
A. He says, for firing a firearm and wounding someone.
Q. I ask him how long he is going to remain in jail.
A. He says, five months and seventeen days.
Q. I ask him why he goes around the jail.
A. He says, because his time is short and that they use him and others as servants in the jail.

Testimony of Augustin Amador Reyes:(Continued).

AUGUSTIN AMADOR REYES.

(Continued).

By Consul-General Lee:

Q. Were you a prisoner in the jail when Dr.Ruiz was there?

A. He says,he was.

Q. Are you at the present time a prisonerin the jail at Guanabacoa?

A. He says,yes.

By Dr.Congosto:

Q. I ask him how long he has been there.

A. He says,seven months.

By Mr. Calhoun:

Q. Did you see Dr.Ruiz when he was brought into the jail?

A. He says,he was at the door.

Q. Was he confined at that time or was he in the yard?

A. He says,he was at the door.

Q. At that time was he allowed to go about the yard or was he confined in cell?

A. He says,he was already at large about two or three months.

Q. Did he see Dr. Ruiz put in the cell incommunicado?

A. He says,yes,sir.

Q. How often did he clean out the cell?

A. He says,every day,and clean water was put in it; it was the custom of the jail to do this.

Q. How did he clean it out?

A. He says,he swept the floor,the place where the water was put in was cleaned,and the place where he made his excretions was changed.

Q. The days he saw him in the cell where he tried to butt his head, when was that? That refers to the time he died.

A. He says,that it was soon afterwards that he butted his head that he died.

Q. Had he seen him that day before he went to the cell with the medicine?

A. He says,he saw him,and he seemed to be quiet,as he passed up and down;he was seated.

Q. What cell was he in then?

A. Santa Maria cell,he says.

Q. That was not the cell in which he hadbeen confined incommunicado?

A. He says,no,sir.

Q. Were there any other persons in Santa Maria cell with him?

A. He says,no.

Q. How long hadhe seen him in Santa Maria cell on that day referred to? About how long?

A. He says,he cannot state that.

Q. How long before you took the medicine to him had you seen him in that cell?

A. He says,he saw him passing up and down.

Testimony of Augustin Amador Reyes:(Continued).

AUGUSTIN AMADOR REYES. (Concluded).

Q. What was he doing when he saw him?
A. He says,walking up and down.

By Dr.Congosto:

Q. I ask him why did he go and give the medicine.
A. He said,he had orders from the man who gives the medicine,the nurse,and if the nurse did not come he gave it to him himself.

By Mr. Calhoun:

Q. Did he put his hands through the bars and catch his head when the Doctor tried to butt his head?
A. He says,yes,sir.
Q. Did he catch his head?
A. He says,his chest,he did not hurt himself then in the head. He says,he cannot say whether there was any wound on the head.
Q. Had he been in there one or two hours before he took him the medicine?
A. He says,no,he does not know.

By Mr.Fishback:

Q. Does he know when he was taken in Santa Maria cell?
A. He says,he cannot say precisely,he was there sometime.

-:-:-:-:-:-:-:-

JUSTO LUIS LAMAR. Testimony of Justo Luis Lamar,who was duly sworn according to law:

By Dr.Congosto:

Q. I ask him his name.
A. He says,as stated.
Q. I ask him to tell me what he knows about Dr.Ruiz being ill-treated while in jail.
A. He says,that during the time that Dr.Ruiz was in jail that he himself was incommunicado and that he does not know of any ill-treatment given to Ruiz. And he says that after he is in the yard he has not heard that he was badly treated.
Q. I ask him what cell Dr.Ruiz was confined in.
A. He says,he does not know which one Ruiz was in; he was in the middle one.
Q. I ask him if he heard any noise or anything.
A. He says,he heard noises,but did not know what they were,as the walls were thick.
Q. I ask himif he heard any cries of Dr.Ruiz.
A. He says,no.
Q. I ask him when he was put communicado.
A. He says,he was told two days before that Dr.Ruiz had died. The only thing he knows about the death of Dr. Ruiz is that Dr. Arango told him Ruiz had died of syncope of the heart.
Q. I ask him why he is in prison.

Testimony of Justo Luis Lamar:(Continued).

JUSTO LUIS LAMAR.
(Continued).

A. He says,he has heard he is implicated in the derailment of the train at Guanabacoa.
Q. I ask him if during his confinement he has been badly treated.
A. He says,to the contrary,that he has been very well treated,that he has been allowed to have a chair, that he has been sick and the jailer gave him some of his own medicine,and that he has been very well treated by everyone in the jail.
Q. I ask him if anyone hasbeen badly treated.
A. He says,no.

By Consul-General Lee:

Q. You testified you were in jail at Guanabacoa the same time Ruiz was?
A. He says,he was arrested the day before,as the following day he was confronted with Ruiz.
Q. Are you still a prisonerin that jail?
A. He says,yes,sir.

By Dr.Congosto:

Q. I ask him when he was put communicado.
A. He says,the nineteenth of February, making sixteen days he was incommunicado.
Q. I ask him what proceedings was he subject to.
A. He says,military.

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CERIACO de ARANGO RIGALOS.

Testimony of Ceriaco de Arango Rigalos,who was duly sworn according to law:

By Dr.Congosto:

Q. I ask him name.
A. He says,as stated.
Q. I ask him his profession.
A. He says,physician and surgeon.
Q. I ask him when he was graduated.
A. He says,in 1895.
Q. I ask him how many years he studied.
A. He says,seven.
Q. I ask him where he was graduated.
A. He says,Havana.
Q. I ask him if he had any practice in hospitals.
A. He says,three years.
Q. I ask him if he has studied any practical pathology.
A. He says,yes.
Q. I ask him what were his duties in the hospital.
A. He says,as one of the residents.
Q. I ask him of what hospital he was resident.
A. He says,Reina Mercedes.
Q. I ask him if he has made any autopsies.
A. He says,yes.

RIACO de ARANGO RIGALOS.

(Continued).

Testimony of Geriaco de Arango Rigalos:(Continued).

Q. I ask him if he has had any laboratory practice.
A. He says,yes,histology is the only thing he knows.
Q. I ask him if he knew Dr.Ruiz.
A. He says,the same day he died.
Q. I ask him why he is in jail at Guanabacoa.
A. He says,for political reasons.
Q. I ask him what jurisdiction is in charge of him.
A. He says,military.
Q. I ask him if he was in jail incommunicado.
A. He says,yes.
Q. I ask him how long he was incommunicado.
A. He says,thirty-one days.
Q. I ask him what kind of citizen he is:American or Spaniard.
A. He says,Spaniard.
Q. I ask him what kind of treatment he has in jail.
A. He says,good.
Q. I ask him whether he hasreceived any considerations or attentions in jail.
A. He says,yes,asmuch as is consistent with the rules of the jail.
Q. I ask him can he tell me when he saw Dr.Ruiz.
A. He says,the first day he saw Dr.Ruiz was the day he came in;he cannot remember when he came in,but he saw him at that time; he came in incommunicado and was put in a bartelone cell.
Q. I ask him where he was.
A. He says,in the courtyard.
Q. I ask him how long he is in jail.
A. He says,he has been fourteen months there with his brother,and that when Ruiz entered he was communicado. He saw Dr. Ruiz for the second time when the Military Judge came with the Municipal Dr,Vidal.
Q. I ask him when he saw him the second time.
A. He says he don't remember when he saw him the second time, that he saw at that time the physician ask questions of Dr.Ruiz,who showed him his head,and the Doctor prescribed for it. The following day he was taken to Santa Maria cell. That then a nurse came to attend to his head and that Dr.Ruiz stated he did not have anything and did not want to be bothered about his wound.
Q. I ask him if he heard that.
A. He says,yes,that two hours afterwards he was called in urgency to attend to a prisoner in a fit;that he went to the place where Dr.Ruiz was and saw the prisoner,who apparently had an epileptic fit;that the man who had stopped him from butting his head and another man took hold of him to get over the convulsive state,and when he got over it he seemed to be quite well and asked for his children. He asked if

CERIACO de ARANGO RIGALOS.

Testimony of Ceriaco de Arango Rigalos:(Continued).

(Continued).

his children were well and if they had been killed with the machete and broke into lamentations and caried. That after the convulsive state had passed a paleness came over him, his muscles relaxed, a cold sweat broke out over him,his pulse stopped and he died. That they tried to establish artificial respiration and that they gave him inhalations of water,which he thought at the time was the only thing he could do.

Q. I ask him what opinion he has of his death.

A. He says,that according to his best knowledge,that he died from syncope of the heart,though he says he was not present at the autopsy.

Q. I tell him the autopsy states it was cerebral congestion.

A. He says,he does not know about that.

Q. I ask him what the symptoms would be at the autopsy.

A. He says,there must be some lesions.

By Consul-General Lee:

Q. I understand from your testimony that you were a prisoner in Guanabacoa jail while Dr.Ruiz was confined there?

A. He says,yes.

Q. Are you still a prisoner confinedin that jail?

A. He says,yes.

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Exhibit E

Consuelo Fishback

LAUDIO DELGADO, M. D.

Statement of Claudio Delgado, M.D., of Havana, Cuba:

By Dr. Congosto:

Q. I ask him if it is possible that in the barteloma or cell where Ruiz was he could have made such a wound as is described in the autopsy and also by Dr. Burgess.

A. Dr. Burgess and I agree as to the location of wound. I can affirm in the most positive manner that any man can produce such a contusion as described on the skull, either by Dr. Burgess or in the autopsy, in that cell by striking his head against the walls or door of said cell. I find it so much more following the description of the wound given by Dr. Burgess than in the description given in the autopsy. I wish now to demonstrate an explanation as to how it could be done. Given the shape of a skull, the impact on a plain surface will necessarily produce an elongated cut, such as described. It could not be a round or irregular wound, but would have to be a linear wound. Unless this demonstration is gone through with, at first sight no one would say that butting on a plain surface would make a linear wound or a straight line. This I say in justification of my demonstration.

By Consul-General Lee:

It does not follow from that that the wound could not have been made by a round surface.

I will explain why, as described by Dr. Burgess, the wound was more contused in the centre than on the edges. I cannot assure that it occurred that way, but it was possible. I simply explain the possibility. I have nothing to do with the investigation, but there was a possibility of the wound occurring as I have demonstrated. (Here the Doctor, with a human skull, makes his demonstration). I have proved scientifically that such a wound as that can be produced on any plane. That I have scientifically demonstrated and I reaffirm and state that such a wound as described could be inflicted upon the skull on a plain surface. It is very difficult on certain parts of the skull to make a distinction between a contused and incised wound and they very often find

CLAUDIO DELGADO, M. D. (Continued).

Statement of Claudio Delgado,M.D.;(Continued).

glasses necessary to determine it. Given the shape of the skull it can be produced in that very way that a linear wound is the result. I cannot say any more than that that could as a probability be done in the cell where the man was.

By Consul-General Lee:

Q. Would you call such a wound as is describedin the autopsy a linear wound?

A. He says,he does not say;it was an excoriation;that the autopsy does not say he had the same wound as describedby Dr.Burgess; that he took what Dr.Burgess said.

Q. You have testified that the impact of the human skull upon a plain surface makes a linear wound?

A. It depends upon the region of the cranium. Dr. Burgess described the wound and he saw it,and such ble must have produced a lineal wound;that it depended upon the strength used for the length of the wound.

Q. In your scientific opinion, could such a wound described by Dr.Burgess be inflicted by a round surface,such as a cane or club?

A. He says,undoubtedly,yes. He explains that by use of something cylindrical it would not be so wide as described by Dr.Burgess------

Q. It would depend upon size of club?

A. It would depend upon size of club.

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H.M.BURGESS, M. D.

Statement of H.M.Burgess,M.D.;

By Consul-General Lee:

Q. Do you agree with his scientific statements?

A. I saw surfaces over there in that cell on which the prisoner might have produced a contusion just about like that. There were surfaces,particularly flat surfaces, there in the doorway; and another I tried my head against, a large hinge, round and about three and one-half feet from the floor.

Q. How close were the hinges of that door to the cell?

A. I tried it with my own head and I could do it. It was a pretty large door,you know, and I should say the hinge was probably as near as four or five inches. It is practical.

Q. Could that same wound have been inflicted by a blow?

A. Yes,I think it could. As far as I remember skulls, it was a skull shaped like that (the one used by Claudio Delgado for his demonstration). It was not

H.M.BURGESS, M. D. (Continued).

Statement of H.M.Burgess,M.D.:(Continued).

more oval than that and there was,I would say,the same kind of level space.

By Mr. Calhoun:

Q. The first place you suggest in the cell where the wound could have been inflicted is the corner and what might be termed the jam?

A. It is the doorway;it is round or flattened off by some one; it is of stone and plaster.

Q. That would have been against the stone wall?

A. Exactly.

Q. The other is on the hinge,about four or five feet from the floor.

A. About four feet.

Q. This man would strike against the---- The impact of the blow would strike the hinge, would come against the solid part of doorway to which hinge was attached?

A. Yes, between the two, but rather nearer the solid part. It is considerably wide there and I looked at that particularly and tried it against my own head. There was plenty of space.

-:-:-:-:-:-:-:-:-:-

PRIMITIVO BLANCO.

Testimony of Primitivo Blanco,who was duly sworn according to law:

By Dr.Congosto:

I have nothing to ask him;he has come at the request of Consul-General Lee.

By Consul-General Lee:

Q. Were you the jailer sitting at the door of the cell in which Dr.Ruiz was confined when the noises were heard as if he were inflicting wounds upon himself?

A. He says,yes.

Q. At what hour of the night was that,as near as you can recall?

A. About two o'clock,in the night,he began to talk of

Q. his children.

Q. Was he in his sane mind then?

A. He says, just calling the children as if they were at the door.

Q. Will you describe what happened after you heard him calling for his children?

A. He says, are my children here,are they at the door? That he replied that his childredn were not there. That Ruiz then said to take care of them and bring them to him inside. At six o'clock in the morning he opened the door to take him his meal. He did not know he was talking incoherently or that he was out of his mind or not. That after that talking,sometime

IMITIVO BLANCO.
(Continued).

Testimony of Primitivo Blanco:(Continued).

afterwards, he heard butting against,or noise against,the door. He called the turnkey;they opened the door and they saw he had something on his scalp. Then he said that the man had done that himself. Then they reprimanded him for doing so.He said my case is big (mu causa es muy grande).

Q. You stated over there the other day that you were sitting in your chair and you heard knocking, as if someone was trying to get in cell,and went to the other end of cell and came down as if to show how it was done?

A. He says,he heard several noises when he was calling for his children; he never heard but one blow against the door, but there was rapping against the door when he was calling for the children. The big blow was on the door and when he was seated outside. That was when he called the turnkey. He says he heard before this a kind of moving inside,it seemed to be running.

Q. Did you see a chair in Dr.Ruiz' cell at any time, one of those extension chairs?

A. He says,yes,he saw that thing,with bedding.

Q. Was that taken into the cell called Santa Maria?

A. He says,it was not taken over to Santa Maria cell, but the bedding was taken over.

Q. Did you know or hear anything of Dr.Ruiz writing with his nail on the edge of that chair?

A. He says,no,he has not heard of it.

(Here Consul-General Lee states:I think if any writing was done it was done in the cell incommunicado.).

By Mr. Calhoun:

Q. What position do you hold in Guanabacoa jail?

A. Chief of the interior guard.

Q. Where were you when you heard these sounds of Dr. Ruiz which you have mentioned?

A. He says,in his room,at the time of the rapping he was in his room. At the time of the blow he was outside,on watch,sitting in a chair.

Q. Where was your room in which you were sitting when you heard the rapping on the door?

A. He says,in the guardroom,two doors from there.

Q. About how many centimetres, or feet, was the room in which you were from the room in which Dr.Ruiz was?

A. He says,he cannot determine the number of feet. He says,that from the guardroom there is a cell in which there are prisoners,then a canteen place,where the supplies are kept,and he was in front of his guard-room, about 40 feet, the first room on the right after coming in the door.

RIMITIVO BLANCO. (Continued).

Testimony of Primitivo Blanco:(Continued).

By Consul-General Lee:

Q. How many cells between that and the one in which Ruiz was confined? Were there not two large cells?

By Mr. Calhoun: (No answer).

Q. On entering the jail you would turn to the right and proceed until you came to the door of the cell at which you were seated, which would be the first door you would reach?

A. He says,yes.

Q. Now,Dr. Ruiz was in the first incommunicado cell to the right of where you were seated.

A. He says,yes.

Q. What time of the night was it that you first heard Dr.Ruiz in his cell calling for his children?

A. He says,about two o'clock on that morning.

Q. How long had you been on duty before you heard anything from him?

A. He says,he came on duty at midnight.

Q. What was the first thing you heard from Dr.Ruiz?

A. He says,crying out for his children.

Q. What did he say,give his words as near as you can?

A. He says,are my children there,get them for me.

Q. How many times did he hear him say that?

A. He says,one or two times.

Q. Did he speak in a loud voice or in ordinary conversation?

A. He says,loud voice.

Q. What did you do then?

A. He says,he got up and went there and said,your children are not here.

Q. What reply did the Doctor make?

A. He said,no,when they come get them and bring them inside to me.

Q. When you say you went there you mean to the cell in which the Doctor was?

A. He says,yes.

Q. What did you do there?

A. He says,sat down on stool near the door of cell.

Q. What did you hear next?

A. He became quiet thereafter.

Q. How long did you stay there before you heard anything else?

A. He says,about two hours before he heard anything else.

Q. What was the next thing that attracted his attention?

A. He says,talking to himself; for about two hours he was quiet and then he talked to himself.

Q. After you took a seat on the stool by the cell door did you hear the Doctor say or do anything for sometime after that?

RIMITIVO BLANCO. Testimony of Primitivo Blanco:(Continued).

(Continued).

A. He says,he kept on talking about his children, rapping on the door and talking about his children.
Q. What time of the night was that?
A. From two o'clock on.
Q. What time was it he heard the butting he speaks of?
A. About six or seven o'clock in themorning,he says.
Q. Whereabouts did he hear this butting blow,or from what he heard could he tell whether it was on the wall of cell or on door?
A. He says,the heavy blow was against the door.
Q. Did he hear more than one blow?
A. Only one,he says, for the moment he heard it he called assistance and they opened the door.
Q. The other sounds you heard you mean was the tapping you heard and the calling for his children?
A. He says,tapping against the door and calling for his children.
Q. What part of the door in yourjudgment did he strike when he heard these sounds?
A. He says,in the middle of the door.
Q. When you heard that sound,then you called for the jailer?
A. He says,the turnkey,the man with the key,in order that he may open the door.
Q. When you opened the cell what was the Doctor doing?
A. He says,as if he were frightened.
Q. What was he doing?
A. He says,standing with his hand upon his head,as if he were frightened.
Q. Then what was done with him?
A. They called the Doctor, he says.
Q. What Doctor?
A. The Doctor of the jail.
Q. About how soon after you heard this sound and opened the door and found the Doctor in there was he taken out of that cell into another cell?
A. He says,two or three hours afterwards.
Q. During that two or three hours afterwards he remained in the same incommunicado cell,did he not?
A. He says,yes,sir; he remained in bartelona,with the door open,for two or three hours before he was transferred.
Q. Then he was taken to Santa Maria cell?
A. He says,about nine o'clock in themorning.

By Consul-General Lee:

Q. How many jailers were there who took turns on guard?
A. He says,the full force is six,sometimes some are lacking.

By Mr.Calhoun:

Q. Are you head of the force or one of force?

RIMITIVO BLANCO. (Continued).

Testimony of Primitivo Blanco:(Continued).

A. He says,he is chief of the force.

By Consul-General Lee:

Q. Do you take your regular turn asguard with the others?

A. He says,he takes his turn.

Q. How long do those turns last? When a man goes on how long has he got?

A. He says,four hour watch.

Q. What hour did he go on that night?

A. He says,at midnight.

Q. He came off then at four o'clock in the morning?

A. He says,that night he was on duty from 12 o'clock until eight in the morning, as he had to watch the other watches. The regular watch is four hours,but he has to see them;he has no fixed time. There were but five members in the watch at that time.

Q. If you went on at twelve o'clock,and the regular watch is four hours, and then went on again and kept on until four, what time did you go to bed? I suppose you sleep in the day time.

A. He says,about nine or ten o'clock in the morning.

Q. Do you carry those little clubs as well as your men?

A. He says,he has,but does not carry it around all the time.

Q. Did you have it there that night?

A. He says,no,the clubs are used when people are in the yard.

Q. Did you have the key to Dr.Ruiz' cell?

A. He says,he never has the key of any cell at night.

Q. What was the object of your sitting in front of that door without your club,as there might have been an outbreak of the prisoners?

A. He says,according to the regulations,they are not rdquired to carry the sticks,and thelaw requires him to remain there and watch;the keys are in the office.

Q. Do you remember the name of the person who was there and sat in front of the cell the night following?

A. He says,he don't remember.

Q. Was there a man took your place the following night?

A. He says,every night there is a guard.

Q. Was there a man sat in the place you held the following night?

A. He says,he does not remember,they relieve each other,one walks around and he sits in front of this place.

Q. What did you do the following night?

A. He says,he was on guard,sitting in front of that

PRIMITIVO BLANCO. Testimony of Primitivo Blanco: (Continued).

(Continued). cell, which is his position as chief of guard. He is the permament officer of the watch in front of this door as chief,and another man walks around. Every night at midnight he comes on..

Q. The night following he heard the cries of Dr.Ruiz he was at his usual post in front of that cell?

A. He says,he was.

(Finis).

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Exhibit 9

Statement of H.M.Burgess,M.D.,

H.M.BURGESS,

M.D.

By Mr. Calhoun:

Q. The certificates shown you by Consul-General Lee as to the cause of the death of Ruiz were signed by you?

A. Yes,sir.

Q. State your age?

A. Sixty-four years.

Q. You are a physician and surgeon?

A. Yes.

Q. How long have you practiced?

A. Over thirty years.

Q. How long have you lived in Havana?

A. Nearly thirty years.

Q. You were present at the autopsy on Dr.Ricardo Ruiz, at Guanabacoa,on the 18th of February last?

A. I was.

Q. You may state whether you examined the heart of Dr. Ruiz?

A. I did examine the heart with my hands, felt it,all the valves,and ascertained,as near as possible, the size of it and the weight of it that way.

Q. Was there any trouble with it?

A. I saw no evidence of disease ofany kind with the heart.

nQ. Was there any evidence of any other disease or trouble aside from the congestion of the brain and the contusion on top of the head which you referred to this morning?

A. I saw none.

Q. Was there any hypertrophy of the cardiac muscles?

A. None attracted my attention.

By Consul-General Lee:

Q. Did you make that examination of Dr.Ruiz' heart alone?

A. I had the heart in my hands. The others were looking on,but I think I was the only one who had it in my hands. The others saw what I was doing and undoubtedly looked on to see what I was doing.I felt an interest in examining the valves of the heart and passing my fingers through the various valves seemed to satisfy me that there was no disease of the heart.

(Finis).

Exhibit 10.

Casares
Fishback.

The undersigned Commissioners, appointed by their respective Governments to inquire into the circumstances attending the arrest, imprisonment and death of Dr. Ricardo Ruiz de Ugarrio at Guanabacoa, Island of Cuba, report that they find as a result of such investigation;

1. That Dr. Ruiz was arrested on February 4th, 1897, by the Municipal authorities at Guanabacoa, at the instance of the Militx tary Commander of said place, by the order of the Judge of Military Instruction.

2. That it does not appear that he made any oral declaration of his American citizenship when arrested or that he was interrogated in reference thereto, but it is shown by the statement of the jailer that when Ruiz was arrested and entered the jail he gave him a certificate showing that he was registered as such at the Consul General's office in Habana. That on the 5th of February, the day of the second declaration he stated his American citizehsip; and that on the 5th day of February Consul General Lee gave notice that he was an American citizen.

3. That on February 5th the question of of jurisdiction between the Civil and Military authorities was entered upon, and on February 14th the Acting Captain General issued an order remitting the case to the Civil authority. Meanwhile Dr. Ruiz remained in prison incomunicado.

4. That on the 17th day of February Dr. Ruiz died of cerebral congestion, as appears from the declarations of the physicians, he having a wound or erosion on the superior part of his head.

5. That from the reports of the physicians the wound on Dr. Ruiz's head might have been produced by butting against a

plain surface or by a blow administered by a third person.

6. That all of the proofs and facts presented to the Commission relative to the treatment of Dr.Ruiz while in prison, are contained in the attached record. The American Consul General,however,does not accept such testimony on that point as true,but reserves the right to draw his own conclusions therefrom and to submit the same to his Government by a separate report. The Commissioner for Spain will also reserve the right to make a separte report to his Government stating that in his judgment nothing to the contrary has been proved.
Habana,May 31st,1897.

The interlineations at the end of paragraphs 5 & 6 are correct.

José Congosto
Comm.de España

Fitzhugh Lee
U. S. Consul General

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Exhibit 10

Fishbaer.

Los Infraescritos, Comisionados numbrados por sus respectivos Gobiernos para investigar las circumstancias que concurrieron en el arresto, encarcelamiento y muerte del Doctor Ricardo Ruiz de Ugarrio, en Guanabacoa, Isla de Cuba, declaran que encuentran como resultado de la investigación, lo siguiente:

1. Que el Dr. Ruiz fue arrestado el 4 de Febrero de 1897 por la autoridad municipal de Guanabacoa, á instancia del Commandante Militar de dicho punto, por orden del Juez de Instrucion Militar.

2. Que no aparece que el Dr. Ruiz hiciera ninguna declaracion oral de su ciudadania Americana, ni fuere preguntado sobre este extremo, al ser arrestado; pero de la declaracion del Alcaide resulta que cuando Ruiz entro en la carcel, le dio (al Alcaide) un certificado demostrando estar inscripto como tal ciudadano en el Consulado-General de los Estados Unidos en la Habana. Que el 5 de Febrero, en que se le tomó á Ruiz segunda declaración, hizo constar su ciudadania Americana: y que en este mismo dia 5 de Febrero el senon Consul-General Lee informó á las autoridades de la ciudadania del arrestado.

3. Que el 5 de Febrero se promovió la cuestion de jurisdicion entre los tribunales civiles y militares, y el 14 de Febrero, el Capitan-General interino decretó la inhibicion, a favor de la jurisdicion civil. Mientras tanto, el Dr. Ruiz permaneció en prision, incomunicado.

4. Que el 17 de Febrero, el Doctor Ruiz falleció de resultas de una congestion cerebral, segun aparece en las declaraciones de los medicos, teniendo una herida o erosion, en la parte superior de su cabeza.

5. Que del informe de los medicos, resulta que la herida en la cabeza del Dr. Ruiz pudo haber sido producida por haber embestido contra una superficie plana, o por un golpe dado por una tercera persona.

6. Que todas las pruebas y hechos, presentados ante la Comision, relativas al tratamiento del Dr. Ruiz mientas estuvo en prision, constan en los adjuntos testimonios. El señon Consul-General Americano, no obstante, no acepta dicho tesimonios en este punto como concluyente, reservandose el derecho de formular las conclusiones que a su juicio se derivan, y someterlas a su Gobierno en un informe separado. El Delegado de Espana, se reserva tambien el derecho de informar a su Gobierno por separado, haciendo constar que a su juicio nada se ha probado en contrario.

Habana, 31 de Mayo, de 1897.

Fitzhugh Lee
U. S. Consul General.

José Concha
Consul de España

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Minutas de las reuniones de la Comision investigadora:

Primera sesión:

La primera sesión tuvo lugar en la casa-ayuntamento de la villa de Guanabacoa, el 20 de Mayo, 1897, a la una y media de la tarde, estando presentes los seneres Doctor José Congosto, General Fitzhugh Lee, Mr. W.J.Calhoun, Enrique Reig, asesor del Doctor Congosto, Geo.W.Fishback, secretario del delegado Mr. Calhoun, y Rafael Casares, Vice-Consul de España in Filadelfia.

El Doctor Congosto presentó una traducion española de la comunicación dirijida por el Consul-General Lee al Marqués de Ahumada, general segundo cabo, encargado del despacho, en la fecha 23 Febrero, 1897.
(Anexo no. 1 en español y en ingles).

El Gral Lee entonces leyó una traducion de la comunicación del Marques de Ahumada, fecha 24 Febrero, 1897.
(Anexo no.2 en ingles y español.).

La Comision entonces se trasladoála carcel de Guanabacoa, é inspeccionó la celda que fue ocupada por Ricardo Ruiz, midiéndola cuidadosamente a lo largo, a lo ancho y a lo alto, encontrandose que las dimensiones eran las mismas que las que constan en el testimonio del arquitecto Fernandez Aleman, cuyo testimonio figura en el proceso civil.

El Consul-General Lee entregó luego al Doctor Congosto una peticion escrita, interesando la pregentacion de ciertos documentos. Copia de dicha peticion esta adjunta a estas actas.
(Anexo no. 3).

El Doctor Congosto, con objeto de consultar acerca de esta proposición, indicó que se suspendiese la sesion hasta mañana 21 Mayo, 1897.

La Comision aceptó, y regresó á la Ciudad de la Habana.

Fitzhugh Lee
U. S. Commissioner

Rafael Casares Jr.

Geo. W. Fishback.

El Canciller de España
José Congosto

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Minutas de las reuniones de la Comision investigadora:

Segunda sesion:

La segunda sesion tuvo lugar en el Hotel de Inglaterra, en la ciudad de la Habana, el 26 deMayo, de 1897, a la 1:30 de la tarde, estando presentes los mismas senores que en la primera sesion.

Se entregaron al Consul-General Lee los documentos que habia pedido, que son los siguientes:
Copias autorizadas de las cartas dirigidas al Marques de Ahumada por el Consul-General Lee, el 5, 6 y 17 Febrero ultimo. (Anexo #4 en espanol y en ingles).
Copia de el proceso militar: Anexo #5 en ingles.
Copia del proceso civil contra el ciudadano Americano Ricardo Ruiz: Anexo #6 en espanol. Estos documentos entregados en copia y figurando como anexos # 5 y 6, contienen la informacion pedida por el Consul-General Lee en su carta dirigida fecha del actual al Doctor Jose Congosto.

Despues de la entrega de estos documentos y un ligero examen do los mismos, se decidio proceder manana a la prueba testifical. El Consul-General Lee hizo constar que no sabia si podria o no presentar testigos en ese dia, por la dificultad que se encontraba de indicirles a dar testimonio. Se decidio tambien que los testigos presentados por el Doctor Congosto y que vendran de Guanabacoa para dar testimonio ante la Comision en la ciudad de la Habana, sean examinados en un lugar privado con objecto de dar a sus declaraciones proteccion y reserva. Por lo tanto se decidio que se examinarian anta la Comision en una habitacion particular del Hotel Mascota, a la una de la tarde del dia 27 de Mayo, para declarar ante la Comision.

Tambien se decidio que el Doctor Burgess y otro facultativo, que sera elegido por el Doctor Congosto vayan, juntos o separados, manana por la manana 27 de Mayo, a la carcel de la villa de Guanabacoa, y examinen ciudadosamente la puerta de la celda en la cual Ricard Ruiz estuvo preso incomunicado, con el objecto de determinar si la herida que se encontro en la parte superior del craneo, segun se vio en la autopsia pudo haber sido originada por golpes que Ruiz se hubiere dado a si mismo contra la puerta de la citada celda.

La Comision levanto la sesion, hasta manana 27 Mayo que se reunira en el Hotel Mascota en la ciudad de la Habana para examinar a los testigos.

El Comisionado de España — Rafael Casares Jet

Fitzhugh Lee

J. Congosto

R. W. Tisdale

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Minutas de las reuniones de la Comision investigadora:

Tercera sesion:

La tercera sesion tuvo lugar en la oficina de los almacenes de la villa de Regla, en lugar del Hotel Mascota, como se habia convenido en la sesion precedente, en la bahia de la Habana, a la 1:45 de la tarde, el dia 27 de Mayo, 1897, estando presentes las personas indicadas en las sesiones anteriores.

El Doctor Congosto presento los siguientes testigos que fueron llamados e interrogados por este arden:
Jose Ruiggros,
Juan Gratacos,
Antonio Ruiz de Ugarrio,
Pablo Maruri y Portilla,
Rafael Galindo y Pinero,
Augustin Amador Reyes,
Justo Luis Lamar,
Ciriaco de Arango y Rigalos.
(El testimonio de los mismos, va unido en el anexo #7).

Se decidió por la Comision que el Doctor Burgess y el Doctor Delgado fueron al dia siguiente, 28 de Mayo, 1897, a Guanabacoa, con el objecto de examinar la puerta y paredes de la celda ocupada por el Doctor Ruiz, mientras estuvo incomunicado, con objecto de determinar si la herida que presentaba en la cabeza del citado Rr. Ruiz, pudo habersela causada a si mismo, golpeando su cabeza contra la puerta a muros de la prision.

El Consul-General Lee expreso el deseo de interrogar como testigo por su parte al guarda de la carcel de Guanabacoa que estaba de vigilante frente a la puerta de la celda de el Rr. Ruiz, llamado Primitivo Blanco.
El Doctor Congosto prometió hacer venir a dicho testigo llamandole por medio de la autoridad competente.

Se decidió celebrar sesion manana, 28 de Mayo, 1897, a las 9 de la manana en el Hotel de Inglaterra, Ciudad de la Habana.

Fitzhugh Lee
U. S. Commissioner

Rafael Casares Jr.

Jos. W. Fishback

El Comisionado de España
José Congosto

4

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Minutas de la reuniones de la Comision investigadora:

Cuarta Sesion:

La Comision conforme a su acuerdo, se reunió en el Hotel de Inglaterra, ciudad de la Habana, a las 9:15 de la manana del dia 28 de Mayo,1897, estando presente las personas indicadas en las sesiones anteriores, y ademas los doctores Burgess y Delgado, que acababan de llegar de Guanabacoa, donde habian examinado la puerta y paredes de la celda corpado Ricardo Ruiz. El Dr. Delgado demostró que el caracter y dimensiones de la herida que ofrecia el cadaver de Ruiz en la cabeza, pudo haber sido producida por chocar esta contra una superficie plana, cilindrica o esferica, empleando al efecto en su demonstracion en craneo humano. (Anexo #8 adjunto). El Dr. Burgess tambien aceptó esta opinion y certifico acerca del caracter de la herida, dibujando sobre el dicho craneo la forma de la mencionada herida, que presentaba la cabeza de Ruiz al hacerse la autopsia el 18 de Febrero,1897.

Comparecio despues, presentado por el Consul-General Lee, el testigo Primitivo Blanco, llamado por el Doctor Congosto que se dirigió por telegrafo o telefono al Alcalde de Guanabacoa. Dicho testigo, jefe de la ronda de la carcel de la citada villa, fue interrogado por el Consul-General Lee y Mr. Calhoun, y sus respuertas constan en el anexo #8.

Terminado el testimonio se decidio levantar la sesion, y volverse a reunir a las 4 de la tarde del dia de hoy 28 de Mayo, en el Hotel de Inglaterra, ciudad de la Habana.

Fitzhugh Lee

U. S. Commissioner

Rafael Cabarrus Sil

Wm. V. Fishback

El Comisionado de España

José Congosto

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Minutas de la reuniones de la Comision investigadora:

Quinta sesion:

La Comision conforme a lo convenido al terminar la sesion cuarta, se reunió a las cuatro de la tarde del dia 28 de Mayo, 1897, en el Hotel de Inglaterra, en la ciudad de la Habana, estando presentes las personas indicadas en las sesiones anteriores.

El Dr. D.M. Burgess fue interrogado por Mr. Calhoun y Consul-General Lee, cuyas preguntas y respuestas constan en el anexo #9.

El Doctor Congosto y el Consul-General Lee presentaron las bases de sus respectivos informes, que fueron discutidas ~~en general~~ detenidamente, y se decidió levantar la sesion, y tener la proxima el Sabado, 29 de Mayo, 1897, a la una de la tarde, con objecto de traducir entretanto los informes y someterlos a mas amplia discusion.

Fitzhugh Lee
U. S. Commissioner

Rafael Cesares Jr.

Rob. E. Fitzhugh.

El Comisionado de España
José Congosto

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Minutas de las reuniones de la Comision investigadora:

Sexta sesion:

La Comision conforme a los convenido, al terminar la sesion quinta, se reunio a la 1 de la tarde del dia 29 de Mayo,1897, en el Hotel de Inglaterra, en la ciudad de la Habana, estando presentas las personas indicadas en las sesiones anteriores.

Los informes del Doctor Congosto y Consul-General Lee, en ingles y espanol, fueron discutidos, y se decidio celebrar la proxima sesion el lunes 31 de Mayo,1897, a las 9 de la manana en el Hotel de Inglaterra, en la ciudad de la Habana, conviniendose en que en dicha sesion presentaria Mr. Calhoun un informe con los simples hechos del caso con objecto de que lo firmasen el Doctor Congosto y el Consul-General Lee.

Fitzhugh Lee

J. Cabrinetty

Rafael Cusares fil

Jno. W. Calhoun

El Comisionado de España

José Congosto

COMISION INVESTIGADORA

DELEGACION ESPAÑOLA

Minutas de las reuniones de la Comision investigadora:

Septima sesion:

La Comision se reunió, conforme á lo convenido en la sesion anterior, a las 9 de la manana del dia 31 de Mayo, 1897, en el Hotel de Inglaterra, en la ciudad de la Habana, estando presentes las personas indicadas en las sesiones anteriores.

Mr. Calhoun presentó un projecto de informe que no fue aceptado: se hizo otro informe en el acto, y fue aceptado.

Las actas de las sesiones precedentes fueron leidas y corregidas, decidiendose que se firmasen copias de las mismas en espanol y en ingles, por los Comisionados.

El Doctor Congosto hizo constar en esta reunion que los originales de las copias certificadas de los documentos oficiales presentados a la Comision, pueden ser examinados por esta, si lo desea.

El Doctor Congosto presento fotografias senaladas con los numeros 1 a 7 inclusive, de vistas exteriores e interiores de la Carcel de Guanabacoa y de las celdas ocupadas por Dr. Ruiz cuando estaba incomunicado y cuando fallecio, y se convino en que se unieren, formando parte de los documentos de la investigacion.

La Comision decidió reunirse a las 5 de la tarde, con objecto de firmar el informe definitivo.

Rafael Cassares Jr

Geo. W. Fishback

El Comisionado de España

José Congosto

Minutas de las reuniones de la Comsision Investigadora:
Octava Sesion:

La octava sesion tuvo lugar conforme acuerdo tomada en la septima sesion á las cinco de la tarde del dia 31 de Mayo de 1897 en el hotel de Inglaterra, estando presentes las personas indicadas en lassesiones anteriores.

Las minutas de las precedentes reuniones fueron presentadas en Español y en Ingles, y firmadas por los delegados.

El informe aceptado en la reunion anterior fué leido y comparado en Ingles y en Español y firmado por ambos delegados. Dicho informe en Ingles y en Español va adjunto (anexo No.10).

La Comsision dió con esto por terminadas sus reuniones.

Fitzhugh Lee
U. S. Commissioner

Rafael Cabarrús
Wm. W. Gilbert
El Comisionado de España
José Congosto

N. 7.473.507

N. 7.473.508

SELLO 14ª A. 1896 y 97

100 PLIEGOS=40 C.

N. 6.761.401

Ldo. D. Anastasio Arango Escribano de Actua-
-ciones de este Distrito. ——————————

Certifico: Que en la causa criminal
seguida en el Juzgado de Instruccion de este
Distrito por muerte de D. Ricardo Ruiz Ma-
-garrio y Registrada al numero cincuenta
y uno del año actual constan los antece-
-dentes que á la letra dicen asi. = Licencia-
-do Anastasio Arango y de la Luz Escriba-
no del Juzgado de Gudnabacoa - Certifico:
Certf.ª de fojdos 1-3 que los folios uno y dos de esta causa nume-
-ro cincuenta y uno seguida por muerte de
Don Ricardo Ruiz de Magarrio lo ocupaban
dos numeros del periodico "New York Herald"
correspondientes á los dias veinte y uno y vein-
-te y dos del mes proximo pasado de Febrero
y los que han sido desglosados y entregados á
Don Luis Freixedas y Balcels en cumplimiento

de la providencia de hoy - Y para que conste ex-
-tiendo la presente en Guanabacoa á seis de Mar-
-zo de mil ochocientos noventa y siete. = Anasta-
-sio Arango. = Jacksonville. Fla. - Febrero veinte
de mil ochocientos noventa y siete - El Consul
General Lee ha pedido en términos urgentes que
el Gobierno envie buques de guerra á Cuba -
Estos informes los he obtenido de persona auto-
-rizada, esta noche, en la Habana. Se me ha
manifestado que la peticion se ha hecho á
causa de la actitud de las autoridades Espa-
-ñolas, relativo al ultraje hecho á la ciuda-
-dania americana con el asesinato del Dr. Ri-
-cardo Ruiz en la prision en Guanabacoa. Los
detalles de los incidentes que siguieron á la muer
-te de Ruiz no son conocidos: pero despachos
oficiales digo especiales de la Habana han mani-
-festado ya que el Consul General Lee iria in-
-mediatamente á Guanabacoa á investigar
la muerte de Ruiz. Se ha declarado que el des
-venturado americano fué muerto por orden del
Comandante de Guanabacoa. Fondesviela -

Fradmesio Arango

SELLO 4º A. 1896 y 97
100 PLIEGOS=40 C
JUZGADO DE GUANABACOA

N. 6.761.402

El hecho de que el vapor Olivette que sale de la Habana para Cayo Hueso á la una de la tarde los sábados, no saliera de esa ciudad hasta las cinco de la tarde de hoy, indicaba que algo extraordinario había ocurrido en la Habana. Su demora está ya explicada.- El Secretario Olney × dice × que no ha recibido peticion alguna de Lee. Washington Febrero veinte de mil ochocientos noventa y siete. Cuando fui á ver al Secretario de Estado Olney, tarde, esta noche, me dijo: que no había recibido ningun cablegrama del Consul General Lee pidiendo que los Estados Unidos enviasen un buque de guerra á Cuba, á la Habana. El General Lee envia generalmente sus mensajes en cifra y son traducidos en el departamento. Es posible que haya llegado hoy algun men-

-saje á Washington despues de las horas de
despacho en el departamento y no haya si-
-do entregado aun. Tambien es posible que
el General Lee haya enviado su despacho por
vapor á Cayo Hueso en cuyo caso no habria
llegado aun aqui.- No se cree probable que
una peticion tan importante como la de
que se envie un buque de guerra fuese
enviada por correo y los empleados del De-
-partamento de Estado no saben de nin-
-gun caso urgente que obligase á enviar
un cablegrama.- El Departamento de
Estado recibió informes el jueves del asesi-
-nato del Dr. Ricardo Ruiz, ciudadano a-
-mericano, en la Carcel de Guanabacoa
No ha sido aun informado del horrible
trato que recibió el prisionero de las Au-
-toridades Españolas ni del hecho de que
el Gobernador de la Carcel dió ordenes de
que se le matase á palos. Los empleados
del Departamento dicen que esperaban que
el Consul General Lee, habria hecho investi-

JUZGADO DE PRIMERA INSTANCIA DE GUANABACOA
SELLO 14ª A. 1896 á 97
100 PLIEGOS=40 C

N. 6.761.40

-gaciones, sin consultar antes al departamen
-to y han estado esperando detalles por co-
-preo. En vista del carácter de las noticias
de los periódicos, sinembargo, el departamento
telegrafió al General Lee dandole instruccio-
-nes para que hiciese una minuciosa inves
-tigacion y que avisase por el cable si halla
-ba algo importante. Cuando se reciban estos
informes las autoridades podrán poner el asun
-to ante el Gobierno Español en Madrid, en
caso de que los hechos ameriten que se adop-
-te esta medida. - No ha habido ninguna
comunicacion sobre este asunto entre el Se
-cretario Olney y el Ministro Taylor en Ma
-drid. Hasta que no se reciban noticias de
-talladas del General Lee, el departamento
no puede hacer nada en el caso de Ruiz.
Las noticias se espera que lleguen el már

-tes. - Filadelfia 1a. Febrero veinte de mil
ochocientos noventa y siete. No solamente la
Colonia Cubana sino toda la Ciudad estaba
hoy indignada al leer en el Herald un des-
-pacho de la Habana en que se anunciaba
que había sido asesinado brutalmente, en
la Cárcel de Guanabacoa el Dor. Ricardo Ruiz
por el crimen de ser ciudadano de los Estados
Unidos - Ruiz tenía muchos amigos en Fi-
-ladelfia, no entre los hombres que han esta-
-do por años ayudando á los insurrectos
cubanos, por que el no tomaba parte en
sus movimientos, sino entre la facultad
y estudiantes del Colegio de Cirujía Dental
de Pensilvania y personas que él trató en
en la práctica de su profesion. El hombre
asesinado nació en Cuba hace cuarenta y
cinco años. Su padre era natural de Es-
-paña. Vino á los Estados Unidos á prin-
-cipios del año mil ochocientos setenta y
cinco, pasó cerca de un año en New-York
y despues vino á Filadelfia. Trajo cartas

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100 PLIEGOS=40 C
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N 6.761.404

de recomendacion de amigos en Cuba pa-
-ra Antonio Reyna del N.º seiscientos trein-
-ta y seis. Arch- Streets que entonces resi-
-dia en Seventh y Wood St. Despues de dos
años de estudio en el Colegio Dental Ruiz
gradúo con honores en la clase de mil ocho
cientos setenta y ocho. En casa del Sor.
Reyna conoció el vivió durante su perma
-nencia en Filadelfia, abrió un gabinete y
practicó de dentista por dos años. Poco mas
ó menos en la epoca en que Ruiz recibió
su diploma terminó la guerra de los diez
años en Cuba.- Durante esta contienda
tuvo que emplear un sustituto en el ejer
-cito español. El dijo una vez á Mrs Reyna
-ma que temia que al volver á Cuba el
Gobierno lo molestaria á causa de esto y
que se iba á hacer ciudadano americano
sacó los papeles de ciudadanía y el once de

Marzo de mil ochocientos ochenta volvió
á Guanabacoa. - Allí tuvo gran éxito en
su profesion, se casó, y al morir ha dejado
siete hijos - Mer. Lizaba recibió noticias del
Dor. Ruis por un amigo que volvió de la
Habana hace dos meses. Segun el infor-
-mante, el dentista estaba atendiendo ex-
-fectamente sus negocios y no tomaba par-
-te en asuntos políticos ó revolucionarios
Como estudiante Ruis era de un caracter
modesto y reservado. Sus amigos insisten
en que los Estados Unidos investiguen cu-
-dadosamente el asunto y las causas, si hay
alguna, que han dado lugar á que lo
matasen. = Lee pide la libertad de Scott.
Habana. Cuba. Febrero veinte de mil ocho-
-cientos noventa y siete. El General Lee ha
pedido la libertad de Charles Scott, un ame
-ricano nativo que llegó al pueblo de Re-
-gla cerca de la Habana el nueve de Febre
-ro y ha estado desde entonces en la Cár

SELLO 14ª 1896 á 97
100 PLIEGOS=40 C
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.405 5

-cel = dos- Habana Cuba Febrero veinte y uno de mil ochocientos noventa y siete. El Secretario de Estado Olney ha pedido aquí y en Madrid una completa explicacion y pronta investigacion de la muer-te del Dr. Ricardo Ruiz. El caso de Scott continua en el mismo estado = dos- Posicion del Consul General Lee - (Estas ins-tr. -trucciones, que la mas rudimentaria apreciacion de nuestro honor nacional y de nuestro propio respeto, inspiraria en el pecho de cualquier portero ó mensajero del departamento, tendrán que darse pronto ó habrá que enviar un nuevo Consul General á la Habana.) Por equivocacion se ha traducido primero este párrafo, léase antes el que sigue (El General Lee ha pedido que se le den instrucciones para reclamar la libertad de

todos los ciudadanos americanos que están de-
-tenidos en Cuba bajo las mismas circuns-
-tancias de ilegalidad análogas á las que
caracterizan el caso de Ruiz). El General
Fitzhugh Lee, el descendiente de dos que fir-
-maron la declaracion de independencia, no
puede (hablo con autorizacion) y no permiti-
-rá que su nombre esté asociado á una
política de ignominia y rendicion - Los si-
-guientes son los nombres de los americanos
presos en Cuba y detenidos sin respetar los
derechos del tratado - Julio Sanguily fué pre-
-so el nueve de Febrero mil ochocientos no-
-venta y cinco - Se le acusó de rebelion: fué
juzgado el veinte de Noviembre mil ochocientos
noventa y cinco, se le encontró culpable y se
le sentenció á prision por vida. Del apelo y
fué juzgado por segunda vez y por segunda
vez fué sentenciado á cadena perpétua. Ape-
-ló de nuevo, pero las autoridades españolas
no quieren obrar. Sanguily hace dos años que
está preso. Los prisioneros del Competitor no se-

SELLO 14ª 1896 y 97
100 PLIEGOS = 40 C.
JUZGADO DE 1ª INST.ª DE LA HABANA

6-

N 6.761.406

-rain jurgados. El Gobernador General dijo al General Lee que no sabia lo que se haria con los prisioneros del Competitor. Fueron jur-
-gados en Consejo de Guerra el ocho de Mayo de mil ochocientos noventa y seis. Se recibie-
-ron ordenes de Madrid de que fuesen jur-
-gados de nuevo pero estas ordenes no fueron llevadas á efecto. La última comunicacion del Gobernador General fechada á principio de Febrero no indicaba que se pensase en jurgarlos de nuevo - Manuel Fernandez Cha-
-guillo ha estado en la Cabaña siete meses. La última communicacion de las autoridades españolas en su caso, se recibió en Octubre del año pasado - Decian que no podian in-
-formar al General Lee de si habia algu-
-na otra acusacion que la de rebelion - Geor-
-ge W. Aguirre cuya causa está pendiente

ante el tribunal civil de Jaruco; ha estado en la Cabaña siete meses - Charles Scott fué detenido en Regla el nueve de Febrero. No se sabe de qué se le acusa. A los informes pe-didos por el Consulado sobre esta causa, no se ha dado contestacion definida - José Gonza-lez ha estado en la Cárcel de Pinar del Rio tres meses. No hay todavia ninguna acusacion contra él - F. J. Casamas fué detenido en Sa-gua la Grande hace dos semanas. No se ha hecho aun acusacion contra él - Oscar Cisne-des ha estado preso cinco meses. No se le ha acusado aun de nada - Frank J. Larrien - ha estado en la Cárcel de Cárdenas nueve meses. Esteban Venero ha estado en prision en Los Pala cinco meses - Antonio Suarez del Valle ha estado en la Cárcel de Cienfuegos cinco meses. y hay sin duda muchos otros. Hay como treinta casos mas de americanos presos en-vias causas hace mucho tiempo que estan pendientes y no han sido nunca juzgados ó contra los cuales no se ha elevado ninguna

SELLO 14º A.s 1896 y 97
100 PLIEGOS=40 C
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

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acusacion - Debo manifestar que desde el dia que fué detenido Ruiz hasta el dia de su muerte en prision, las autoridades españolas aunque tenian en su poder sus papeles, no se tomaron el trabajo de informar al General Lee de que habia sido detenido un americano, y el tuvo conocimiento del hecho extraoficialmente - Esto solo constituye un grave quebrantamiento de las leyes internacionales - Filadelfia 9a Febrero veinte y uno mil ochocientos noventa y siete. El Dor. Ricardo Ruiz, que murió en la Cárcel de Guanabacoa. Cuba, se hizo ciudadano de los Estados Unidos á principios del año de mil ochocientos ochenta. Antonio Leyva del Nº seiscientos treinta y seis. Arch- [illegible] con quien vivió Ruiz cuatro años, me dijo hoy que el acompañó al joven cubano al Tribunal para que sacase sus papeles de ciudadanía y le

sirvió de testigo. El Sor. Lezama recordó el hecho de que Ruiz había sido informado de que el Comité Ejecutivo de la Ciudad de los dos grandes partidos políticos lo ayudarían á conseguir sus papeles de ciudadanía y si los conseguía por este conducto no tendría gasto alguno. "Yo no quiero ser ciudadano de este modo" dijo indignado el Dor. Ruiz Quiero ser yo el que pague lo que sea. Vengo á dos más tarde el Dor. Ruiz obtuvo del De- partamento de Estado en Washington un pa- saporte para visitar á Cuba como ciuda- dano americano. El fué á su antigua ca- pa á casarse con una joven con quien lle- vaba relaciones desde antes de salir de su país. El pensaba pasar un año ó dos arre- glando la herencia de su padre que era un próspero fabricante de zapatos en la Habana y volver despues á pasar el resto de su vida practicando en Filadelfia. Al llegar á Cuba, se casó, pero encontró que en su ausencia la herencia de su padre había sido malgastada por un hermano, y el joven

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 14ª A.s 1896 y 97

100 PLIEGOS=40 C

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Ruiz estaba sin recursos y adeudado. Abrió entonces una Oficina dental en Guanabacoa con la esperanza de adquirir fondos para volver á Filadelfia. Cuando el Sr. Lezama lo visitó en mil ochocientos ochenta y siete, el Dr. Ruiz y su Sra. le dijeron mas de una vez que deseaban con ansia que llegase el dia en que pudieran ir á establecerse á Filadelfia. Ruiz le manifestó que estaba orgulloso de ser ciudadano de los Estados Unidos. Las noticias publicadas por el Herald ayer sobre la muerte ó el asesinato del Dor Ricardo Ruiz en la Carcel de Guanabacoa, Cuba, y de que el Consul General Fitz-hugh Lee queria presentar su dimision á menos que su gobierno le prestase debido apoyo era el tema de todas las conversaciones en los círculos cubanos ayer, en esta Ciudad. Hablando de este asunto ayer á el Sub-delegado de la Junta Joaquin D. Castillo, me dijo: "Para mi, el caso del

Dor. Ruiz ocurre diariamente en Cuba, con
la diferencia de que la victima es generalmen-
-te un cubano. Es costumbre de los Oficiales
españoles torturar y ultimamente asesinar
á sus indefensos y amenudo inocentes prisio-
-neros, en su tentativa de arrancarles una de-
-seada confesion, acriminandolos asi como á
otros de alguna ofensa imaginaria." El Teso-
-ro de la Junta Benjamin J. Guerra, dijo: "El
asesinato oficial de los sospechosos politicos
en las prisiones en Cuba, ocurre diariamente,
especialmente en las poblaciones del interior,
donde no hay generalmente nadie que pro-
-teste por temor de participar de la misma
suerte. Yo se de algunos casos en que la
unica protesta era ó podia ser unirse á las
filas de los patriotas, los parientes de las vic-
-timas y tratar de vengar el salvaje crimen.
Pocas victimas, sin embargo, tienen un enér-
-gico Consul ó un valiente periodista que ex-
-pongan su caso ante aquellos que tienen el
deber de protegerlos." Algunas personas en este
pais hablan de las Autoridades de Creta y Ar

SELLO 14º A.º 1896 y 97
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JUZGADO DE 1ª INSTANCIA DE GUANABACOA

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-menia pero parecen ignorar la horrible car-
-niceria que se está haciendo á nuestras mis-
-mas puertas. Yo solo espero que tenga lugar
un cambio y que España sepa que si ella
puede matar con impunidad á los cubanos
está llevando las cosas demasiado lejos al
desafiar la paciencia de un gran pueblo que
una vez levantado sabe lo que ha de hacer.

Traducido fielmente de su original, idioma
inglés, que certifico - Habana dos de Mar-
-zo de mil ochocientos noventa y siete - El
Interprete de Gobierno = Luis Freixedas =
Hay un sello que dice = Fiscalía de la Audien
-cia de la Habana = Al Juez de Instruccion de Gua
-nabacoa - El Fiscal dice: que con la co-
-municacion de veinte y ocho del próximo pa-
-sado Febrero recibió los números del periódico
El Herald de Nueva York correspondientes á
los dias veinte y uno y veinte y dos del aludido

Denuncia de los sucesos

Febrero en los que, y previa traduccion que
se ha procurado esta Fiscalía se leen los suel-
-tos y noticias acotados con lápiz rojo, en
los que se supone que Don Ricardo Ruiz ciu-
-dadano americano preso ó detenido en la
Carcel de Guanabacoa habia sido muerto
violentamente en su prision. Tal afirmacion
siquiera pueda ser inexacta, determina la
necesidad de su comprobacion, que impor-
-ta mucho á los altos prestigios de la pá-
-tria, á la dignidad de su Gobierno y á la
respetabilidad de la Ley y de la justicia. En
tal concepto, el Fiscal no puede ser indi-
-ferente á la publicidad de aquella suposi-
-cion que toma en cuenta en concepto de de-
-nuncia y á los efectos legales propios de tal,
y fiel á su más primera y genuina repre-
-sentacion remite á V. S. los dos referidos nú-
-meros del Herald con la traduccion que se
ha procurado y pide á V. S. se sirva proceder
en el correspondiente sumario y con los ma-
-yores celo prontitud é imparcialidad á
la averiguacion y comprobacion de aquellos

SELLO 14º A.s 1896 Y 97
100 PLIEGOS=40 C.
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

10.

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hechos, con arreglo á derecho á fin de determi-
-nar cual fué la verdadera causa de la muer-
-te del detenido ó preso en esta Cárcel de Gua-
-nabacoa Don Ricardo Ruiz, con el objeto de
exigir responsabilidad con arreglo á la Ley, si
alguno resultare culpable: disponiendo V. S.
en su consecuencia la práctica de todas las di-
-ligencias necesarias á la consecucion de aquellos
propósitos; sirviendose tambien V. S. dirigir co-
-municacion al Señor Consul General de los
Estados Unidos de América en esta Capital,
invitandole á que se muestre parte en este
sumario, si así lo cree conveniente. Otrosí=
A fin de ejercitar la facultad de inspeccion
que le confiere el artículo trescientos seis de la
Ley de Enjuiciamiento Criminal - manifiesta
á V. S. que delega la representacion de esta
fiscalía para la inspeccion de dicho sumario
en el Abogado Fiscal de esta Audiencia Don

Manuel Leon y Escobar - Pidiendo á V. S.
se sirva tener por hecha esa manifestacion
acusandome recibo de este escrito y de los
dos números del Herald y de la traduccion
que le acompaña - Habana Marzo cinco
de mil ochocientos noventa y siete = Vidal
y Gomez = Guanabacoa y Marzo cinco de
mil ochocientos noventa y siete - Recibida
la anterior denuncia en las últimas horas
de la tarde de hoy, asi como los periódicos
y traduccion que se acompañan, acúsese re-
-cibo de todos al Ilustrísimo Señor Fiscal
de esta Audiencia; y = Resultando: que en
los periódicos acompañados por el Señor Fis-
-cal se denuncia el hecho de que el preso
en esta Cárcel Don Ricardo Ruiz de Ugarrio
fué muerto violentamente en su prision. =
Considerando: que ese hecho caso de ser cierto
sería constitutivo de un delito contra las per
-sonas previsto en el título octavo, libro segun
-do del Código. = Considerando: que para su
esclarecimiento y comprobacion en su caso de
los autores del mismo procede que se instruya

Auto de ley
ceder de fo
jas once

SELLO 12.ª 1896-97
100 PLIEGOS=40 Cts
AUDIENCIA DE GUANAJUATO

N. 6.761.411 11 —

el correspondiente sumario. Formese causa criminal en averiguacion de las causas que produjeron la muerte de Don Ricardo Ruiz de Abgarrio y determinacion en su caso de las personas responsables, radiguese en el libro del Juzgado al numero que le corresponda y de su inicio dese conocimiento á los Ilustrisimos Señores Presidente de la Sala de lo Criminal y Fiscal de esta Audiencia en la forma que previene el articulo trescientos ocho de la Ley; unase á continuacion la certificacion que obra en poder del Secretario Señor Galindo de las diligencias practicadas con motivo del fallecimiento del difunto Ruiz: amplíese la declaracion de los facultativos que practicaron la autopsia y la declaracion del alcaide de la Carcel y de las personas que identificaron el cadaver de Ruiz: recibanse las declaraciones que fueren necesarias, á cuyo efecto constitu-

-yase el Juzgado en la Cárcel; recíbase tam-
-bien declaracion al hermano de Reir y al Se-
-ñor Comandante Militar: líbrese oficio al
Escmo. Señor Gobernador General á fin de que
ponga á disposicion de este Juzgado un In-
-terprete Oficial para traducir lo pertinente
de los periódicos acompañados: invítese al Se-
-ñor Consul General de los Estados Unidos de
América por si quiere mostrarse parte en esta
causa: practicandose todas las diligencias con
intervencion del Señor Fiscal delegado para la
inspeccion de este sumario.— Así lo acordó y
firma el Señor Don Fulgencio de la Vega Juez
-gado Juez de Instruccion de este distrito ante
mí que lo certifico = Fulgencio de la Vega =
Anastasio Arango = Acta: Que se acusó re-
-cibo al Ilustre Señor Fiscal y se libró ofi-
-cio al Señor Consul General de los Estados
Unidos de América. Lo certifico = Arango =
Otra: Que se radicó esta causa al número
cincuenta y uno del Registro del Juzgado. Lo
certifico = Arango = Otra: que se dieron los pa-
-sos de inicio en la forma dispuesta. Lo certifico

N. 6.761.412

= Arango - Otra: Que se libró cédula al Alguacil. Lo certifico = Arango = Diligencia en la propia fecha recojí de mi compañero Galindo la certificacion que obraba en su poder y á la que se refiere el auto que antecede y procedo á unirla á continuacion segun se dispone en el auto anterior. Lo certifico = Arango = Certifico que el oficio dirijido al Sor. Consul de los Estados Unidos de America copiado literalmente Copia dice así. = En la causa que instruyo á virtud de denuncia hecha por el Excmo. Sor. Fiscal de la Audiencia de la Habana para investigar las causas que produjeron la muerte del ciudadano norte-americano Don Ricardo Ruiz de Apparrio he acordado dirigir á V. S. el presente á fin de invitarle á que se muestre parte en dicha causa para coadyuvar la accion de este Juzgado si lo estima

oportuno á cuyo fin podrá constituir
su representacion por medio de Abogado y
Procurador ó facilitando los antecedentes que
creyere necesarios al objeto de dicha investi-
-gacion. Espero merecer de V. S. se servirá
honrarme contestando la presente comunica
-cion - Dios guarde á V. S. m.s a.s - Guanaba.
-coa Marzo cinco de mil ochocientos noven
-ta y siete - Y para que conste por disposi
-cion del Sor. Juez extiendo la presente
en Guanabacoa á cinco de Marzo de mil
ochocientos noventa y siete = Anastasio Aran
-go = Rafael Gallindo y Piñero. Escribano de
Certif.n 3 de fojas 2 á la 4 Actuaciones de esta Villa = Certifico: que
en la causa número treinta y nueve del
corriente año seguida por delitos cometi
-dos con ocasion del de rebelion constan los
particulares siguientes = Oficio de fojas diez =
En la mañana del dia de hoy dije al
Sor. Juez Instructor Militar Don Francis
-co de la Rosa lo que sigue = Don Ricardo
Ruiz Ugarrio preso é incomunicado en

N. 6.761.413

SELLO 2ª 1896 á 97

100 PLIEGOS=40 C.

JUZGADO DE 1ª INSTANCIA DE GUANAJUATO

este Establecimiento á disposicion de V. S. des-
-de el cuatro del corriente, desde el dia de ayer
vengo observando que al parecer no se encuen-
-tra bien de sus facultades intelectuales pasan-
-dose la noche sin dormir y hablando dispara-
-tes.- Lo que tengo el honor de dar cuenta á
V. S. para su conocimiento y fines que estime
-no quiera que dicho Juez Militar le ma-
-nifestase verbalmente se habia inhibido de
dicha causa por pasar esta á los tribunales
ordinarios, lo participo á V. S. á los fines que
estime, debiendo significarle que a mi re-
-greso á esta Carcel el citado preso Ruiz
habia atentado contra su vida dando con
la cabeza en la puerta de la bartolina por
carecer de otro objeto con que hacerlo, cuyos
golpes le produjeron una escoriacion y san-

-gre en el cuero cabelludo por cuyas cir-
-cunstancias dispongo que en el acto se pos-
-tituya en esta el Sor. Facultativo encarga-
-do de la asistencia de los presos en este
Establecimiento para que examine y certi-
-fique su estado con lo cual daré cuenta
nuevamente á V. S.- Dios gde. á V. S. ms.
as. Guanabacoa diez y seis de Febrero de
mil ochocientos noventa y siete = Fermin
Fonás = Sor. Juez de Instruccion de esta
villa = Providencia de fojas doce = Gua-
-nabacoa Febrero diez y seis de mil ocho-
-cientos noventa y siete = Por recibida la
anterior comunicacion y no encontrandose
Don Ricardo Ruiz Algarrio á disposicion
de este Juzgado ni habiendo existido tampoco
ningun antecedente que se relacione con
el referido individuo, trasládese con el
carácter de urgente al Sor. Juez de Ins-
-truccion Militar de esta villa para lo
que estime procedente, interesandose del
mismo que se sirva acusar recibo. Lo pro-

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JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 14º A. 1896 y 97

100 PLIEGOS=40 Cs

-veyó y firma el Sor. Juez de que certi-
-fico = Vega = Rafael Galindo = Nota de
fojas doce vuelta = En el mismo dia se
libró atenta comunicacion al Sor. Juez de
Instruccion Militar de esta villa en los
terminos dispuestos. Lo certifico = Galindo =
El que suscribe
Certificacion de fojas trece = Certifico que
por disposicion del Sor. Alcaide de la Carcel
de esta villa ha reconocido al preso inco-
-municado Don Ricardo Ruiz, el cual pre-
-senta síntomas de excitacion nerviosa gene-
-ral y por lo que se ha producido una ero-
-sion ~~del cuero~~ cabelludo en la region bi-
-parietal y producida por el choque de
la cabeza contra un cuerpo duro, de carác
-ter leve salvo accidente y curable en me-
-nos de siete dias sin asistencia médica
habiendole dejado prescrito el tratamiento

antinervioso consiguiente. Guanabacoa
Febrero diez y seis de mil ochocientos
noventa y siete = Francisco Vidal = Ofi
-cio de fojas catorce = D. Ricardo Ruiz
y Ugarrio ciudadano americano y preso
en esta Cárcel desde el dia cuatro del
corriente á disposicion del Sor. Juez Ins-
-tructor Militar Capitan Don Francisco
de la Rosa y en clase de detenido incó-
-municado, desde el dia de ayer viene no-
-tandose al parecer sintomas de enagena-
-cion mental por cuyo motivo hubo
de atentar contra su vida dando de ca-
-bezazos contra la puerta de la bartolina
y causandose una lesion en la region
biparietal de caracter leve salvo acci-
-dente y curable en menos de siete dias
sin asistencia médica, segun certificado
facultativo que se acompaña del mé-
-dico encargado de la asistencia de los
enfermos de este Establecimiento. Lo que
tengo el honor de dar cuenta á V. S. por

SELLO 14º Aº 1896 á 97

100 PLIEGOS=4 0 C

N 6.761.415

JUZGADO DE GUANABACOA

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manifestar verbalmente el Sor Juez Ins-
-tructor Militar Don Francisco de la Ro-
-sa que el Juzgado de Guerra se inhibió
de la causa del citado Ruiz á favor del
Juzgado ordinario. Dios gde á V. S. m.a.
Guanabacoa y Febrero diez y seis de mil
ochocientos noventa y siete = Fermin Fo-
-mais = Sor. Juez de Instruccion de esta
villa = Providencia de fojas diez y seis. =
Guanabacoa y Febrero diez y seis de mil o-
-chocientos noventa y siete = Por recibido el cer-
-tificado médico y oficio que preceden agre-
-guese á los antecedentes que existen en este
Juzgado y espérese el resultado de la comu-
-nicacion librada al Sor. Juez Instructor
Militar de esta villa. Lo proveyó y firma
Su Señoría. Lo certifico = Vega = Rafael

Salindo = Oficio de fojas diez y siete = En
contestacion á su muy atento escrito de hoy
que acabo de recibir en el que se sirve fa-
-ladarme otro del Alcaide de la Cárcel de
esta villa participandole que Don Ricardo
Ruiz Ugarrio se encuentra al parecer al-
go perturbado en sus facultades mentales,
habiendo atentado contra su vida; tengo
el gusto de participar á V. S. que dicho
individuo no se halla bajo mi jurisdic-
-cion por haberse inhibido el Excmo. Sor. Ca-
-pitan General del conocimiento en la cau-
-sa que se instruye en este Juzgado por
descarrilamiento, asalto y robo del tren
de Regla á Guanabacoa la noche del diez
y seis del mes próximo pasado por lo que
respecta al Ruiz Ugarrio por ser ciudada-
-no americano = Debiendo significarle que
S. E. ha acordado la inhibicion á favor
de la jurisdiccion ordinaria y Juzgado de
instruccion á su digno cargo á cuyo efecto

SELLO 14º A.º 1896 á 97

100 PLIEGOS=4.0 C.

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desde el dia de ayer remiti á la Superio-
-ridad los testimonios de Sugares y del decreto
de inhibicion - Dios gue á V. S. m.s a.s Gua-
-nabacoa diez y seis de Febrero de mil ocho-
-cientos noventa y siete = El Capitan Juez ins-
-tructor = Fran.co de Rosa = Sr. Juez de Pri-
-mera Instancia de este partido = Provide-
-cia de fojas diez y nueve = Guanabacoa y
Febrero diez y seis de mil ochocientos noven-
-ta y siete = Por recibido el oficio que precede
y en atencion á lo que se manifiesta, aun
cuando el que provee no ha recibido la cau-
-sa que se expresa, librese órden al Alcaide
de la Carcel de esta villa con el fin de que
por el Médico Municipal forense Don Fran
-cisco Vidal se presten al detenido los auxi-
-lios que aconseje la ciencia y que se estimen
necesarios. Lo proveyó y firma Su Sria de

que certifico= Vega = Rafael Galindo = No-
-ta de fojas diez y nueve vuelta = Nota: Que
en la misma fecha se libró la órden dispues-
-ta. Lo certifico = Galindo = Oficio de fojas vein..
-te = Ahora que son las doce y media de este
dia Don Ricardo Ruiz Ugarrio, natural
de la Habana, casado, de cuarenta y seis años
dentista y ciudadano americano con vecindad
en esta localidad á que se refiere mi comun-
-icacion del dia de ayer en la que partici-
-paba que presentaba sintomas de enagenacion
y que trató de atentar contra su vida, tuvo
un fuerte ataque que le privó de su sentido
por lo que dispuse se constituyese en esta el
Sor. Facultativo encargado de la asistencia de
este Establecimiento conforme lo dispuesto
por V. S. falleciendo el citado Don Ricardo
Ruiz pocos momentos antes de la llegada del
Señor Facultativo. Lo que tengo el honor
de participar á V. S. por si tiene á bien
disponer en primer término su identificacion
y lo demas que estime conveniente. Dios gue.
á V. S. m.s a.s = Guanabacoa diez y siete Fe-

SELLO 14º A.º 1896 y 97
100 PLIEGOS=4 0 C
JUZGADO DE GUANABACOA

N. 6.761.417

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-brero mil ochocientos noventa y siete = Fer-
-min Tomás = Sor. Juez de Instruccion de esta
villa = Oficio de fojas veinte y dos. = Habiendo
fallecido sin dar tiempo á socorro alguno
el preso Don Ricardo Ruiz lo pongo en su
conocimiento á fin de que si lo tiene á bien
disponer la autopsia con objeto de conocer
la causa productora de la muerte - Dios gue
á V. S. m.s a.s Guanabacoa Febrero diez y sie-
-te mil ochocientos noventa y siete = Fran.co
Vidal = Providencia de fojas veinte y tres. =
Guanabacoa Febrero diez y siete de mil ocho
-cientos noventa y siete = Recibidas las comu-
-nicaciones que anteceden constituyase el Juz-
-gado en la Carcel de esta Villa á fin de
proceder á la inspeccion é identificacion del
cadáver de Don Ricardo Ruiz de Ugarrio. Lo
acordó y firma Su Sria. ante mí de que doy fé=
Vega = Rafael Galindo = Diligencia de Inspec.

-cion fojas veinte y tres = En la villa de Gua-
-nabacoa á diez y siete de Febrero de mil
ochocientos noventa y siete. Su Señoría con
mi asistencia se constituyó en la Cárcel de
esta villa y en la galera de la misma nom-
-brada Santa María, en la que se halló en
posicion decúbito supino el cadaver de una
persona de la raza blanca, de estatura regu-
-lar, barba cerrada, vestido con camisa blan-
-ca, pantalon oscuro y botas de becerro negro
el que á primera vista representa tener de cua-
-renta á cincuenta años de edad y los signos
de la rigidez cadavérica y se halla solo en
dicha galera, en la cual no se advierte nada
más que merezca mencionarse. Así dispuso
Su Señoría se hiciese constar levantandose la
presente que firmó conmigo el Escribano de
que certifico = Vega = Rafael Galindo = De-
-claracion de Don Fermin Fomás, fojas veinte
y cuatro = En la villa de Guanabacoa á diez
y siete de Febrero de mil ochocientos noventa
y siete constituido el Sor. Juez de Instruccion
en la Cárcel pública y en su Sala con asisten-

N. 6.761.418

SELLO 14º A. 1896 y 97

100 PLIEGOS=40 C

JUZGADO DE LA ANCIA DE GUANABACOA

-cia del Secretario que suscribe, se hizo compa-
-recer á una persona de la raza blanca que
manifestó llamarse Don Fermin Fonrás é Iz-
-quierdo. El Juez de Instruccion le advirtió
la obligacion en que está de decir verdad y le
enteró de las penas con que el Código castiga
el delito de falso testimonio en causa criminal
y le recibió juramento que prestó en nombre
de Dios y preguntado por los particulares del
artículo cuatrocientos treinta y seis de la
Ley de Enjuiciamiento Criminal, dijo: que
se llama como queda consignado, de cuaren-
-ta y seis años, de estado casado, vecino de
esta villa en esta Cárcel, de profesion ni oficio
Alcaide de ella que - conoce al procesado y a
las demás partes de cuyo nombre se le enteró
y - tiene con ellos amistad - relaciones de.... -
ha estado procesado y que si sabe leer y fam-

-bien escribir.- Acto seguido y á las pregun-
-tas que le fueron hechas por el Sõr. Juez, dijo:
Que en cuatro del corriente tuvo ingreso en
esta Cárcel en clase de incomunicado Don Ri-
-cardo Ruiz Ugarrio por órden del Señor Al-
-calde Municipal y á disposicion del Sõr.
Juez Instructor Militar Don Francisco de
la Rosa sin expresion de causa, al que colo-
-có en la bartolina primera, entrando á la
derecha: que dicho Ruiz de Ugarrio le hizo
entrega de un certificado expedido en Agost
dies de mil ochocientos noventa y seis á su
favor por el Señor Consul General de los Es-
-tados Unidos en la Habana el cual entrega
en este acto al Juez que le interroga: que has
-ta la noche del quince no observó en dicho
preso nada que le llamara la atencion, pe-
-ro en dicha noche y á la hora de pasar la
requisa sí advirtió que decia y se expresa
-ba con incoherencia: que á la mañana si-
-guiente advirtió que el citado preso estaba
fuertemente excitado y hablando disparate

JUZGADO DE INSTANCIA DE GUANABACOA
SELLO 14º A.º 1896 á 97
100 PLIEGOS=40 C

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por lo que se apresuró á poner el hecho en conocimiento del Juez Militar Señor La Rosa, quien le manifestó lo que está consignado en el oficio que pasó ayer al Sor. Juez que le interroga, que le fué leido y que en este acto ratifica: que despues estuvo mucho mas excitado el referido preso Ruiz de Ybarrio causandose algunas lesiones en la cabeza al dar contra la puerta de la bartolina, las cuales le fueron curadas por el Sor. Médico Municipal forense: que despues lo trasladó al local de la galera de Santa María en la que tomó una pocion de bromuro que le fué recetada por el facultativo forense, calmandose la excitacion nerviosa y durmiendo hasta las dos de la madrugada, hora en que tuvo un nuevo ataque que tambien desapareció y por último que á las doce y media del dia de hoy sufrió un nuevo ataque que le privó del

sentido falleciendo á la una y cuarto: que puede asegurar que el cadáver que se halla en la galera de Santa María de esta Cárcel, es el de la persona que ingresó en la misma el dia cuatro del corriente segun deja declarado con el nombre de Don Ricardo Ruiz de Ugarrio.- Su Señoría dispuso se extendiera la presente que prévia lectura ~~que prévia lectura~~ firmó despues del expresado Señor Juez ante mí de que doy fé = Vega = Fermin Tomas - Rafael Galindo = Certificado de nacionalidad fojas veinte y seis = Consulado General de los Estados Unidos Habana - Isla de Cuba - Certificado de Nacionalidad = El Consul General de los Estados Unidos de América en la Habana - Certifica: que Don Richard Ruiz de Ugarrio ha hecho constar en este Consulado General ser ciudadano americano, naturalizado y como tal se halla inscrito en el Registro de este Consulado General segun número y filiacion anotadas al margen - Habana y Agosto diez de mil ochocientos noventa y seis = Hay una firma en caracter

SELLO 14ª A. 1896 y 97
100 PLIEGOS=40 C
JUZGADO DE PRIMERA INSTANCIA DE GUANABACOA

N. 6.761.420

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inglés - Consul General - Excmo. Sor. Gober.
-nador de la Provincia de la Habana = Fi-
-liacion = Numero dos mil ochocientos ochenta
Edad cuarenta y cinco años - Naturaleza Cuba
Estado - casado - Profesion - dentista - Calidad - domi-
Domicilio - Guanabacoa - Naturalizada en Fi-
-ladelfia en Enero veinte y uno de mil ocho-
-cientos ochenta = Declaracion de D. Juan Gra-
-tacós y Favio, fojas veinte y siete = En la
villa de Guanabacoa á diez y siete de Febre-
-ro de mil ochocientos noventa y siete = Consti-
-tuido el Sor. Juez de Instruccion de esta villa en la sala de
visita de su Cárcel con asistencia del Secretario
que suscribe se hizo comparecer á una persona
de la raza blanca que manifestó llamarse Don
Juan Gratacós y Favio. El Juez de Instruccion
le advirtió la obligacion en que está de decir ver-
-dad y le enteró de las penas con que el Código
castiga el delito de falso testimonio en causa cri-

-minal y le recibió juramento que prestó en nom-
-bre de Dios y preguntado por los particulares del
artículo chatrocientos treinta y seis de la Ley de
Enjuiciamiento Criminal dijo: que se llama co-
-mo queda consignado, de sesenta y ocho años, de
estado viudo, vecino de esta villa calle de Jesús
María número tres, de profesion ni oficio comer-
-cio, que - conoce al procesado y - las demás par-
-tes de cuyo nombre se le enteró y - tiene con ellos
amistad - relaciones de - nunca ha estado proce-
-sado y que si sabe leer y tambien escribir - Acto
seguido y á las preguntas que le fueron hechas por
el Sor. Juez, dijo: que el cadaver que acaba de
examinar en la galera de Santa María lo reco-
-ce é identifica como el de la persona de Don Ri-
-cardo Ruiz de Ugarrio, de cuarenta y seis años
de edad, natural de la Habana de estado casa-
-do con Doña Rita Lerca, de oficio dentista, hijo
de José y de Joaquina y que deja cinco hijos nom
-brados Mercedes, Evangelina, Ricardo, Ricardo
René y Gloria, cuya identificacion hace por
ser vecino del difunto Ruiz de Ugarrio y amigo
de su familia. Su Señoría dió por terminada

SELLO 14ª Ac. 1896 y 97
100 PLIEGOS=40 C
JUZGADO DE GUANABACOA

N 6.761.421 21 -

la presente disponiendo que se extendiera esta que previa lectura firmó despues de Su Señoria ante mi de que doy fé = Enmendado = seis = extendiera = vale = Vega = Juan Gratacós = Rafael Galindo = Declaracion de Don José Puiggrós y Mensa = fojas veinte y ocho = En la villa de Guanabacoa á diez y siete de Febrero de mil ochocientos noventa y siete, constituido el Sor. Juez de Instruccion de esta villa en la Sala de visitas de la Carcel con asistencia del Secretario que suscribe, se hizo comparecer á una persona de la raza blanca que manifestó llamarse Don Jose Puiggrós y Mensa - El Juez de Instruccion le advirtió la obligacion en que está de decir verdad y le enteró de las penas con que el Código castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó en nombre de Dios y preguntado por

Declaracion D/ José Puiggrós y Mensa

los particulares del artículo cuatrocientos treinta y séis de la Ley de Enjuiciamiento Criminal dijo: que se llama como queda consignado, de cuarenta y cuatro años, de estado casado, vecino de esta villa Cadenas numero treinta de profesion ú oficio comercio que — conoce al procesado y — las demás partes de cuyo nombre se le enteró y — tiene con ellos amistad relaciones de — ha estado procesado y que — sabe leer y — tambien escribir — Acto seguido y á las preguntas que le fueron hechas por el Sor. Juez dijo: que el cadaver que acaba de examinar en la galera de Santa María lo reconoce é identifica como el de la persona de Don Ricardo Ruiz de Ugarrio, de cuarenta y seis años de edad, natural de la Habana, de estado casado con Doña Rita Lerca, de oficio dentista, hijo de José y de Joaquina, que deja cinco hijos nombrados Mercedes, Evangelina, Ricardo, René y Gloria cuya identificacion hace por ser sobrino político del expresado Ruiz de Ugarrio. Su Sria. dispuso se extendiera la presente que prévia lectura fir-

SELLO 14º Aº 1896 y 97

100 PLIEGOS=40 C

N 6.761.422 22.-

-mió el testigo despues del Sor. Juez ante mi de que doy fé = Vega = José Quiggós = Rafael Calindo = Providencia de fojas veinte y nueve = Guanabacoa Febrero diez y siete de mil ochocientos noventa y siete. = Dése órden al Alcaide de la Cárcel para que el cadaver de Don Ricardo Ruiz quede convenientemente custodiado en la misma galera de Santa María en que se halla, procédase á la autopsia de dicho cadaver á fin de conocer las causas que produjeron la muerte, cuya operacion se practicará á las cuatro de la tarde del dia de mañana por los Facultativos Don Francisco Vidal y Don José Martinez Castrillon, designandose á este para que cooopere con aquel en uso de la facultad que concede al que provee el articulo trescientos cuarenta y ocho de la Ley y cuya operacion se practicará en el sitio de costumbre. Lo proveyó y

firma Su Sría. de que certifico = Vega = Rafael Galindo = Nota de fojas veinte y nueve vuelta = Nota: que se libro órden al Alcaide y oficial á los Sres. Facultativos. Lo certifico: Galindo = Telegrama Oficial fojas treinta = Para Guanabacoa de Secretaría. Num. cinco - Palabras treinta - Depositado el diez y ocho Febro á las tres F. - Si el procesado súbdito americano Ricardo Ruiz se encuentra á disposicion de V. S. sírvase entregar su cadáver al Consul americano que se presentará en esa á reclamarlo - Ahumada. Providencia de fojas treinta y una = Guanabacoa Febrero diez y ocho de mil ochocientos noventa y siete = Recibido el anterior telegrama y encontrandose ya en esta villa el Señor Cónsul de los Estados Unidos de América acompañado del Dor. Don Daniel Burgers y de un intérprete y habiendo manifestado que intervendrán en la operacion anatómica dése órden al Alcaide de la Cárcel para que haga entrega del cadáver de Don Ricardo Ruiz de Alegarrio al Inspector de Policía Municipal á fin de que cuide de

Orden de Entrega del Cadáver

N. 6.761.423

SELLO 14º A. 1896 á 97

100 PLIEGOS=40 C

su conduccion á la Casa de Socorro de esta Villa en la que se llevará á efecto la autop-sia dispuesta avisandose el cambio de local á los Facultativos que la han de practicar. Lo proveyó y firma Su Sria. de que certifico = Vega = Rafael Galindo = Nota de fojas treinta y una vuelta = Nota: que en la misma fecha se libró un mandamiento al Alcaide de la Cárcel para la entrega del cadaver de D. Ricardo Ruiz al Inspector de Policia Municipal á fin de verificar la traslacion á la casa de Socorro. Lo certifico - Galindo = Otra de fojas treinta y una vuelta = Otra: En la misma fecha se libraron oficios á los Facultativos que han de practicar la autopsia po-municandole lo dispuesto. Lo certifico = Ga-lindo = Autopsia fojas treinta y dos = En la villa de Guanabacoa á diez y ocho de Febrero

de mil ochocientos noventa y siete, siendo las cuatro de la tarde se constituyó el Sor. Juez de Instruccion de este Distrito asistido del presente Secretario en el local que ocupa la Casa de Socorro al objeto de proceder á la au-topsia del cadáver de Don Ricardo Ruiz Agarrio ciudadano de los Estados Unidos de América donde se hizo trasladar dicho cadá-ver con el expresado fin. Una vez constitui-do en dicho lugar donde tambien se personó el Sor. Consul General de los Estados Unidos de América, acompañado del correspondiente interprete y del facultativo Doctor Don Daniel M. Burgers se procedió á presencia de los referi-dos Sres. á practicar la operacion de que se trata por los Facultativos Don Francisco Ti-dal y Alvarado que lo es Municipal de esta villa y Don José Martinez Castrillon que lo es del Hospital de Caridad, á quienes pre-viamente se recibió juramento que prestaron en forma legal prometiendo proceder bien y fielmente en su cometido y no proponerse otro

SELLO 14º A. 1896 y 97

100 PLIEGOS = 40 C

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.424

fin que descubrir y declarar la verdad - Ter-
-minada la operacion en la cual se empleó
una hora y cuarto manifestaron los Facultа-
-tivos lo siguiente: Hemos examinado el habito
exterior solo se halló una pequeña erosion
en el vértice de la cabeza que solo interesaba
las primeras capas epidérmicas como de un
centimetro de extension poco más ó ménos. Ac-
-to seguido se procedió á abrir las tres cavi-
-dades empezando por la craneana en cuya
cavidad se observaba un verdadero estado
congestivo de las meninges y circunvalaciones
cerebrales con hemorragia, por lo cual se puede
juzgar con certeza que la muerte de este in-
-dividuo fué producida por congestion ce-
-rebral. Abiertas las otras dos cavidades na-
-da de particular se ha notado en ellas digno
de mencion. Afirman que han dicho la ver-

-dad. Leyeron lo escrito y firman de que cer-
-tifico.- Se hace constar que antes de terminar-
-se esta diligencia ó sea la extension de la
misma, se retiró el Sor. Consul con el Intérpre-
-te y el Facultativo que le acompañaban por
lo que no firmaron la referida diligencia.
Lo certifico = Vega = J. Martinez = Franco Vi-
-dal = Rafael Galindo = Providencia fojas trein-
-ta y tres = Guanabacoa Febrero diez y ocho de
mil ochocientos noventa y siete = Habiendo
manifestado el Sor. Consul Americano que el
cadaver de Don Ricardo Ruiz se entregara
á su familia, hagase entrega de dicho cadaver
á Don José Puiggrós que se encuentra en este
local como representante de la misma á fin
de que proceda á su enterramiento y comu-
-niquese al Exmo Sor General encargado del
despacho haberse llevado á cabo la autopsia
con intervencion del Sr. Consul y Facultativo
que le acompañaba asi como que por su ma-
-nifestacion se ha hecho entrega del cadaver
á la familia- Y dirijase el oportuno manda-

Dolor de cuerpo y vias urinarias

SELLO 14º A.º 1896 y 97
100 PLIEGOS=40 C.
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.425 25

-miento al Encargado del Registro Civil á los efec-
-tos de la inscripcion de la defuncion de que se
trata y para que expida la licencia de enterramien-
-to. Lo proveyó y firma Su Sría. de que certifico
Vega = Rafael Galindo = Diligencia fojas treinta
y cuatro. = En la villa de Guanabacoa á diez y
ocho de Febrero de mil ochocientos noventa y siete
constituido en la Casa de Socorro en la que se ha-
-llaba presente Don José Puiggrós y Mensa, le
hice entrega del cadaver de Don Ricardo Ruiz
de Ulgarrio como representante de los familiares
de este para que pudiera proceder á su enterra-
-miento y de darse por recibido firma la presente
ante mi de que certifico = José Puiggrós = Rafael
Galindo = Nota de fojas treinta y cuatro vuelta
Nota: que en el mismo dia se contestó el tele-
-grama del Excmo Sor. General encargado del des-
pacho, y se libró mandamiento al Encargado del

Registro Civil á los fines dispuestos. Lo certi-
-fico = Galindo = Providencia de fojas treinta
y cuatro vuelta = Guanabacoa Febrero diez y
nueve de mil ochocientos noventa y siete =
Ampliese la declaracion de los Facultativos
Don Francisco Vidal y Don José Martines Cas-
-tillon. Lo proveyó y firma Su Sría de que
certifico = Vega = Rafael Galindo = Nota de
fojas treinta y cuatro vuelta = Nota: que se
libró oficio para la citacion de los Facultati-
-vos. Lo certifico = Galindo = Ampliacion del
informe facultativo de fojas treinta y cinco =
En la villa de Guanabacoa en veinte de Fe-
-brero de mil ochocientos noventa y siete an-
-te el Sor. Juez de Instruccion y presente Secre-
-tario comparecieron en el Juzgado Don Fran-
-cisco Vidal y Alvarado y Don José Marti-
-nes Castillon, naturales respectivamente de
Guanabacoa y de Asturias, casados, mayores
de edad, el primero médico municipal y el
segundo médico del Hospital Civil y Mili-
-tar de esta villa. El Sor. Juez les recibió ju-

SELLO 14º A.º 1896 Y 97
100 PLIEGOS=40 C
NOTARIO DE LA ASISTENCIA DE GUANAJUATO

N. 6.761.426 26 -

Autopsia

-ramento que prestaron en forma legal ofre-
-ciendo no proponerse otro fin que descubrir
y declarar la verdad. Enterados del objeto del
informe dijeron: que por orden del Sor. Juez
procedieron el dia diez y ocho del actual á
practicar la autopsia del cadaver de un hom-
-bre de la raza blanca como de cuarenta y
seis años poco más ó menos que se hallaba so-
-bre la mesa de operaciones de la Casa de Soco-
-ro, empezando por el exámen del hábito ex-
-terior en donde nada hallaron que merezca
consignarse; á excepcion de una pequeña ero-
-sion en el vértice de la cabeza como de un
centimetro poco más ó menos de extension,
que solo interesa las primeras capas epidérmi
-cas - Acto seguido se procedió á abrir el crá
-neo en cuyo punto se observó un estado conges
-tivo de alta importancia, caracterizado por la
repleccion de los capilares todos de las membranas

12/1. y ambos hemisferios viendose la extravasacion
de la sangre ó hemorragia en dicho órgano.
Este solo hecho es suficiente para demostrar
que la muerte de este individuo fué á conse-
-cuencia de una congestion cerebral hemorra-
-gica. Sin embargo de todo lo expuesto se
siguió como preceptúa la Ley abriendo las
demás cavidades toráxica y abdominal, nin-
-da en ellas se notó que necesite mencionarse.
Es todo lo que manifiestan en cumplimiento
de su deber. Afirman que han declarado la
verdad, leyeron lo escrito y conformes firman
despues de Su Sria de que certifico = Vega =
J. Martinez = Franco Vidal = Rafael Galindo =
Y cumpliendo lo mandado por el Sor. Juez
de Instruccion de este Distrito extiendo la
presente. Guanabacoa Febrero veinte y ocho
de mil ochocientos noventa y siete = Fermen
-dado = Fermin = por = Evangelina = Alcaide = fir-
-man = General = abdominal = todo vale = En-
-tre lineas = Capitan del conocimiento = Ricardo
tambien vale = Testado = r = no vale = Rafael
Galindo = En la villa de Guanabacoa á se

Declara

SELLO 14ª A. 1896-97
100 PLIEGOS=40 Ctvs
JUZGADO DE INSTANCIA DE GUANABACOA

27-

N. 6.761.427

cion del Narciso Fonsdevila fo 30-

de Marzo de mil ochocientos noventa y siete constituido el Sor. Juez de Instruccion de esta villa en la Comandancia Militar con asistencia del Secretario que suscribe se hizo comparecer á una persona de la raza blanca que manifestó llamarse Don Narciso Fonsdevila y Jimenez. El Juez de Instruccion le advirtió la obligacion en que está de decir verdad y le enteró de las penas con que el Código castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó conforme al artículo cuatrocientos cincuenta y dos del Código de Justicia Militar, estando tambien presente en este acto el Señor Abogado Fiscal Don Manuel Leon Escobar y preguntado por los particulares del artículo cuatrocientos treinta y seis de la Ley de Enjuiciamiento Criminal dijo: que se llama como queda consig-

12/1. y ambos hemisferios, viéndose la extravasacion
de la sangre ó hemorragia en dicho órgano.
Este solo hecho es suficiente para demostrar
que la muerte de este individuo fué á conse-
-cuencia de una congestion cerebral hemorra-
-gica. Sin embargo de todo lo expuesto se
siguió como preceptúa la Ley abriendo las
demas cavidades toráxica y abdominal, na-
-da en ellas se notó que necesite mencionarse.
Es todo lo que manifiestan en cumplimiento
de su deber. Afirman que han declarado la
verdad, leyeron lo escrito y conformes firman
despues de Su Sria de que certifico = Vega =
J. Martinez = Franco Vidal = Rafael Galindo =
Y cumpliendo lo mandado por el Sor. Juez
de Instruccion de este Distrito extiendo la
presente. Guanabacoa Febrero veinte y ocho
de mil ochocientos noventa y siete = Enmen-
-dado = Fermin = por = Evangelina = Alcaide = fir-
-man = General = abdominal = Todo vale = En-
-tre lineas = Capitan del conocimiento = Ricardo
tambien vale = Testado = r = no vale = Rafael
Galindo = En la villa de Guanabacoa á seis

Declara

N. 6.761.427

SELLO 14º A. 1896 y 97

100 PLIEGOS=40 C

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

cion del Narciso Fonsdevila folio 30

de Marzo de mil ochocientos noventa y siete constituido el Sor. Juez de Instruccion de esta villa en la Comandancia Militar con asistencia del Secretario que suscribe se hizo comparecer á una persona de la raza blanca que manifestó llamarse Don Narciso Fonsdevila y Jimenez. El Juez de Instruccion le advirtió la obligacion en que está de decir verdad y le enteró de las penas con que el Código castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó conforme al artículo cuatrocientos cincuenta y dos del Código de Justicia Militar, estando tambien presente en este acto el Señor Abogado Fiscal Don Manuel Leon Escobar y preguntado por los particulares del artículo cuatrocientos treinta y seis de la Ley de Enjuiciamiento Criminal dijo: que se llama como queda consig-

-nado de cuarenta y siete años de edad, de es-
-tado viudo, Teniente Coronel de Ejercito y
vecino de esta villa. Acto seguido y á las
preguntas que le fueron hechas, dijo: que no
conoció personalmente á Don Ricardo Ruiz de
Ugarrio ni tampoco ha visto nunca á su
viuda ó familiares: que el citado Ruiz fué
detenido en los primeros dias del mes de Fe-
-brero por orden del Sor. Juez Militar de es-
-ta Plaza Don Francisco de Rosa, quien asi
se lo pidió con motivo de la causa que ins-
-truia por el descarrilamiento y asalto del
tren que de esta villa se dirige á Regla, no
habiendo tenido otra intervencion en el acto
de la prision que la de haber comunicado la
orden del Juez Militar al Señor Alcalde Mu-
-nicipal para que por la Policia se procediera
á su cumplimiento, ignorando el declarante
á que prision fué conducido el citado Ruiz.
que al partir de la prisión de Ruiz el de-
-clarante no ha estado en la Carcel de esta villa
con ningun objeto: que no ha tenido noticias
oficiales ni particulares de que dicho Ruiz haya

JUZGADO DE 1ª INSTANCIA DE GUANABACOA
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sido maltratado, en tanto estuvo preso, por persona alguna, sabiendo si por conducto del Señor Alcalde Municipal de esta villa, que verbalmente se lo comunicó, que dicho Don Ri-cardo Ruiz había atentado contra su vida en la prision por lo que indicó á dicho Al-calde y Fiscal Militar que había conocido del procedimiento Militar contra Ruiz, y aun ordenó al último que hiciera constituir en la Carcel á un Médico para que prestara au-xilios al preso como al efecto así se hizo pa-sando después por dicho Médico Sor. Vidal que Ruiz había sufrido una grave excitacion ner-viosa de la que se había calmado con el me-dicamento que le había administrado: que al dia siguiente de esto supo por rumor pú-blico que el citado Ruiz se había inferido lesiones dandose golpes con la cabeza en la pared, sin que el dicente se inmiscuyera en

esto por cuanto las autoridades á quienes competia habian tomado las oportunas medidas en órden á la asistencia y curacion del citado preso: que al dia siguiente de esto le communicó el Alcalde verbalmente que habia fallecido Ruiz de una congestion cerebral, noticia que trasmitió en el acto por telégrafo al Escmo. Sor. Comandante en Jefe del tercer Cuerpo: que por la misma via le ordenó al dia siguiente que entregase el cadaver al Señor Consul General de los Estados Unidos de America, orden que se dió tambien al Sor. Juez que le interroga segun sabe - á cuya disposicion estaba el cadaver digo el preso por haberse inhibido del conocimiento de las diligencias la Autoridad Militar del Distrito que el citado Consul General se presentó en esta villa acompañado de un interprete y de un facultativo y tanto el dicente como el Sor. Juez que interroga le invitaron á presenciar por los susodichos la autopsia del cadaver de Ruiz, sabiendo luego el declaran-

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-te que asistieron á ella y que se negaron á
suscribir con sus firmas el acta que de la di-
-ligencia se levantó, y de rumor público que
los médicos que practicaron la autopsia atri
-buyeron la muerte de Ruiz á una congestion
cerebral sin que el declarante pueda asegurar
si esto es ó no exacto. En este estado el decla-
-rante hace presente que como Autoridad, como
Jefe del Ejército Español y como particular
desea que conste su más solemne protesta
acerca de las diatribas y odiosas calumnias
que con referencia á él se han publicado y
se publican en la prensa americana con oca
-sion de la muerte de Ruiz rechazandolas
en absoluto como tales calumnias así como
las amenazas que á diario se le hacen en
anónimos que recibe con motivo del citado
fallecimiento. En este estado Su Sría. dió por

terminado el acto disponiendo se extendiera esta la que despues de leida al declarante por haber renunciado á hacerlo por sí, la halló conforme, se ratificó en ella y firmó despues de Su Sria. y del Sor. Abogado Fiscal presente Don Manuel Leon Escobar, todo lo que certifico = Vega = Leon = Narciso de Fonsdeviela = Anastasio Arango = Ampliacion pericial = En la villa de Cuernavaca en seis de Marzo de mil ochocientos noventa y siete en el Juzgado ante Su Sria. del Sor. Abogado Fiscal Don Manuel Leon y Escobar y de mi el Secretario comparecieron los profesores en Medicina y Cirujia Don Francisco Vidal y Alvarado y Don Josè Martinez Castillon cuyas generales constan, se les recordó su juramento anterior. Y á los que para cumplir lo dispuesto fueron examinados convenientemente por Su Sria y dijeron: Que se ratifican en sus anteriores declaraciones de la autopsia y de su ampliacion - Que la lesion ó erosion que presentaba el cadaver de Ruiz en el vértice de la cabeza solo interesaba la capa epidérmica sin haber pro-

Ampliacion pericial fojas 34

Ampliacion y ratificacion

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-ducido lesión alguna del hueso tanto en su tabla externa como en el díploe y tabla interna que presentaba su color blanco caracteristico no encontrando en el punto correspondiente á la lesion externa mancha ni signo alguno que indicase una alteracion del hueso por lo que estiman que dicha lesion no ha podido influir en manera alguna en la congestión cerebral: que en la cavidad toracica pudieron apreciar una hipertrofia considerable del miocardio que pudo haber sido una de las causas de la congestion: que visto el estado de congestion inmensa y hemorrágica en la masa cerebral afirman que aun en el caso de que hubieran podido prestarsele á Ruiz inmediatos auxilios cientificos creen que estos hubieran sido ineficaces para evitar el fin

inmediato de la muerte. Y que la congestion cerebral hemorragica pudo ser producida por los esfuerzos violentos, las lesiones del corazon, la constitucion robusta del individuo, las emociones morales y las excitaciones nerviosas de cualquier genero que fuesen. Y afirman que lo dicho es la verdad. Se les leyó lo escrito por reunciarlo y conformes firman despues de Su Señoria y el Sor. Fiscal por ante mi que lo certifico = Vega = León = José Martines = Franco Vidal = Anastasio Arango = Guanabacoa Marzo seis de mil ochocientos noventa y siete = Habiendose presentado el Interprete Oficial hagasele entrega de los periódicos de fojas una y dos para que proceda á traducir todo lo que en ellos se diga respecto al hecho por que se procede. Lo proveyó y firma Su Señoría. Lo certifico = Vega = Anastasio Arango = En la villa de Guanabacoa en seis de Marzo de mil ochocientos noventa y siete, ante mi comparecio Don Luis Freixedas y Balcells al cual

Prov. de 3 f 35-ote 3

Dilig.a de entrega f 36 = 3

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en cumplimiento de lo dispuesto por el Sr. Juez le hice entrega de dos ejemplares del periódico titulado New York Herald correspondientes á los dias veinte y nueve y veinte y dos del mes actual, es decir, del mes de Febrero del año actual. Se dió por recibido y firma de que certifico = Luis Frei- Diligencias = Arango = Diligencia: Hago constar que en virtud de lo dispuesto en providencia de esta fecha y del desglose practicado he puesto certifica- -cion relativa á dicho desglose y por cabeza de proceso y procedo á correr de nuevo la foliatura de la causa. Guanabacoa seis de Marzo de mil ochocientos noventa y siete = Anastasio Arango = Ampliacion de Don Fermin Tomás Izquierdo = En la villa de Guanabacoa á seis de Marzo de mil ochocientos noventa y siete constituido el Sor. Juez de Instruccion de esta villa con asistencia del Sor. Abogado Fiscal y en la Carcel de esta

Dilig.s Hechas dio f.s 36 vto

Ampl.n de D. Fermin Tomas Izquierdo fojas 3 y

villa con asistencia del Secretario que suscri-
-be se hizo comparecer á una persona de la
raza blanca que manifestó llamarse como que-
-da consignado. El Juez de Instruccion le ad-
-virtió la obligacion en que está de decir verdad
y le enteró de las penas con que el Código cas-
-tiga el delito de falso testimonio en causa cri-
-minal y le recibió juramento que prestó
en nombre de Dios y preguntado por los par-
-ticulares del artículo cuatrocientos treinta
y seis de la Ley de Enjuiciamiento Criminal
dijo: que se llama como queda consignado
de cuarenta y seis años, de estado casado, vecino
de esta villa, de profesion ú oficio alcalde
de esta - que - conoce al procesado y - las de-
-más partes de cuyo nombre se le enteró y -
tiene con ellos amistad - relaciones de - no ha
estado procesado y que si sabe leer y si escri-
-bir - Acto seguido y á las preguntas que le
fueron hechas por el Sor. Juez, dijo: que ratifi-
-fica la declaracion que prestó ante el que le

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interroga en diez y siete del mes proximo pal-
-sado con motivo de la muerte del preso Don
Ricardo Ruiz de Ugarrio: que las bartolinas
de esta cárcel no estan ni han estado desde
que el declarante es alcaide, numeradas ni
rotuladas: que el citado preso Don Ricardo
Ruiz en sus primeros dias de prision se obs-
-tinó en no tomar alimento alguno, no obs-
-tante las observaciones y exhortaciones que se
le hacian por el declarante y empleados de
esta cárcel y no hacia más que fumar cons-
-tante y continuamente: que sus unicas ex-
-presiones y manifestaciones verbales las dedi-
-caba á lamentar la situacion de su mujer
de sus hijos y recordar que fuera de ellos la
única amistad que tenia era un catalán de
apellido Gratacos el que en los primeros dias le
remitió por conducto del Escribano Señor Ga-

-lindo un sillon de extension, una colcho-
-neta y ropas de cama con almohadas, así
como tambien se le facilitó por el Contratis-
-ta del Alumbrado, un paquete de velas como
particular: que no tiene conocimiento de
que el preso Ruiz fuera maltratado por
nadie, de obra ni de palabra mientras per-
-maneció en la Cárcel: que en la bartolina
en que estaba incomunicado no penetró na-
-die del exterior; haciendolo solo el dicente
con los empleados del servicio, á las horas
reglamentarias de requisa, y los que tenian
á su cargo los servicios mecánicos de limpieza
y conduccion de alimentos, los que se hacian
á presencia del empleado encargado de ello:
que cuando el preso Ruiz sufrió el pri-
-mer ataque nervioso durante el cual se
lesionó por golpes que dió con la cabeza
contra la puerta de la bartolina, recibió
aviso el dicente, y penetrando en ella y vien

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-dolo excitado y con una contusion, reclamó al médico forense le prestara asistencia como en efecto lo hizo, y dió cuenta al Juzgado: que en el mismo dia trasladó al preso á otra habitacion en que era más fácil la vigilan-cia para impedirle que atentara contra su vida y en la mañana siguiente co-mo observara el vigilante que dicho preso estaba muy excitado y que queria dar con la cabeza un golpe en la reja, penetró en la galera para sugetarle y en ese momento le dió un nuevo y fuerte ataque nervioso en el que le prestó auxilio el médico Don Ci-riaco Arango, preso en esta, en tanto lle-gaba el médico titular, que al efecto fué llamado, que compareció á poco pero ya inutilmente porque Ruiz habia fallecido.-

que el vigilante á que ha hecho antes referencia se llama José Mateo Gamarro y le ayudó en ese servicio el preso Agustin Amador Reyes: que el difunto Ruiz durante el tiempo que estuvo preso no dió gritos, ni pidió auxilio en alta voz y que explico al médico despues de haberse calmado su excitacion: que la lesion de la cabeza se la habia causado al caerse de la puerta de la bartolina á la que se habia subido. En este estado se dió por terminado el acto, disponiendo Su Señoria se extendiera esta, se le hizo al testigo la prevencion de Ley y despues de leida se firmó por el testigo asi que lo hicieron el Sor. Juez y Abogado Fiscal Don Manuel Leon Escobar lo que certifico = Vega = Leon = Fermin Tomás = Anastasio Arango = Don José Mateo Gamarro = En la villa de Guanabacoa á seis de Marzo del año de mil ochocientos noventa y siete constituido el Sor. Juez de Instruccion de esta villa

Declaracion de D. José Mateo Gamarro

JUZGADO DE 1RA INSTANCIA DE GUANABACOA

SELLO 14ª A. 1896 Y 97
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en la cárcel de esta villa con asistencia del Secretario que suscribe y del Abogado Fiscal se hizo comparecer á una persona de la raza blanca que manifestó llamarse como queda consignado. El Juez de Instruccion le advirtió la obligacion en que está de decir verdad y le enteró de las penas con que el Código castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó en nombre de Dios y preguntado por los particulares del artículo cuatrocientos treinta y seis de la Ley de Enjuiciamiento Criminal dijo: que se llama como queda consignado, de treinta años, de estado casado, vecino de Jaruco, digo de esta Villa, de profesion ó oficio vigilante - que conoce al procesado y - las demas partes de cuyo

nombre se le enteró y - tiene con ellos amistad
- relaciones de - no ha estado procesado y que-
sabe leer y escribir. Acto seguido y á las pre-
-guntas que le fueron hechas por el Sr. Juez
dijo: que sin poder citar la fecha con exac-
-titud, pero si asegurando que fué el mis-
-mo dia en que falleció el preso Don Ricardo
Ruiz, le dió el Alcaide la comision de que
vigilara á este en la galera de Santa Maria
en que estaba á fin de que no atentara con
-tra su vida y observando que dicho preso
se puso á pronunciar palabras incoherentes
y á saltar y darse golpes en la pared, en-
-tró en la bartolina, previo aviso que dió
al Llavero para que abriera y con la ayuda
del preso Agustin Amador Reyes y la del
Llavero pudieron impedir que Don Ricardo
Ruiz se diera, como intentaba, golpes con
la cabeza contra la reja de la galera despues
de lo cual el mencionado preso cayó al suelo
con un fuerte ataque y retirandose el decla-

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100 PLIEGOS=40 C.

-rante á continuar en sus servicios supo des-
-pues que el Ruiz habia muerto á consecuencia
segun oyó del citado ataque: que en tanto
estuvo preso el Ruiz no supo que fuera mal-
-tratado de obra ni de palabra por nadie, ni
le oyó que diera gritos ni que pidiera auxilios
fijandose en que hablaba de su muger é hijos
en tono excitado: que, por último que le cons-
-ta que dicho Ruiz no sufrió privacion de nin-
-gun genero dentro de la Carcel, sabiendo que
aun se le facilitaban más comodidades que á
los demás. En este estado Su Señoria dispuso
se diera por terminado el acto, que se exten-
-diera esta, se le hizo al testigo las preven-
-ciones del articulo cuatrocientos cuarenta y
seis de la Ley de Enjuiciamiento Criminal, se
le leyó esta, la encontró conforme y firmó des-

Declaracion de Don Antonio Novoa fojas 4 vuelta

Primera

-pues del Sor Juez y Abogado Fiscal Don Ma-
-nuel Leon Escobar, lo que certifico = Vega = Leon =
José Mateo Zamarro = Anastasio Arango =
Don Antonio Novoa Moure = En la villa
de Guaiabacoa á seis de Marzo del año de
mil ochocientos noventa y siete constituido
el Sr. Juez de Instruccion de esta villa y es-
-tando presente el abogado Fiscal con asistencia
del Secretario que suscribe se hizo comparecer
á una persona de la raza blanca que mani-
-festó llamarse como queda consignado. El
Juez de Instruccion le advirtió la obligacion
en que está de decir verdad y le enteró de las
penas con que el Código castiga el delito de
falso testimonio en causa criminal y le reci-
-bió juramento que prestó en nombre de Dios
y preguntado por los particulares del artícu-
-lo cuatrocientos treinta y seis de la Ley de
Enjuiciamiento Criminal dijo: que se llama
como queda consignado, de treinta años, de es-
-tado soltero, vecino de esta, de profesion ú

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SELLO 14º A.s 1896 y 97

100 PLIEGOS=40 C.

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oficio Llavero de esta que- conoce al proce-
-sado y- las demás partes de cuyo nombre se
le enteró y tiene con ellos amistad- relaciones
de- no ha estado procesado y que- sabe leer
y escribir. Acto seguido y á las preguntas
que le fueron hechas por el Sor. Juez, dijo: que
desde el momento en que entró preso Don Ricardo
Ruiz tuvo la asistencia que los demás presos, y
aún más comodidades que ellos pues se le permitió
en la habitacion en que estaba incomunicado el uso
de sillon y luz, lo cual no se permite á los demás:
que dicho Ruiz estaba con frecuencia excitado y
hablando de su mujer é hijos sin que nunca le oye-
-ra dar gritos ni pedir auxilio y sin que fuera
maltratado por nadie de obra ni de palabra: que
avisado por el vigilante que le dijo haber oido un
golpe fuerte en la habitacion en que estaba encerrado
Ruiz, abrió la puerta y penetró en ella observando

que dicho Ruiz, que estaba de pie, tenia una pequeña contusion en la cabeza y dijo al declarante que se habia subido á la silla para asomarse á la ventana para ver á sus hijos y se habia caido: que á motivo de ese suceso el Alcaide mandó le trasladasen á otra habitacion por cuya reja podia vigilarsele, encargando al Escolta José Camarro que tuviera cuenta con él para evitar que atentara contra su vida y como dicho Escolta observara al dia siguiente que el preso estaba muy excitado avisó al dicente el cual penetró en la habitacion con Agustin Amador y Reyes y ambos impidieron que se diera golpes contra la ventana, con la cabeza, como intentaba; despues de lo cual le echaron sobre la colchoneta, temiendo que sujetarle para que no se levantara, pues estaba muy excitado y hablando de sus hijos, y á poco se quedó sin habla: que el declarante salió á avisar al Alcaide, el cual mandó llamar al Médico, y en tanto venia prestó auxilios al enfermo, Don Ciriaco Arango fallecendo Ruiz

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SELLO 4º A. 1895 á 97
100 PLIEGOS 40 C

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á consecuencia del atague que sufria. En este estado se dió por terminado y se le leyó esta y conforme firmó despues de Su Señoria y del Abogado Fiscal de lo que certifico = Vega = Leon = Antonio Novoa - Anastasio Argago = Don Agustin Amador Reyes y Reyes = En la villa de Guanabacoa á seis de Marzo del año de mil ochocientos noventa y siete, constituido el Sor Juez de Instruccion de esta villa en la Carcel, presente el Abogado Fiscal con asistencia del Secretario que suscribe se hizo comparecer á una persona de la raza blanca que manifestó llamarse como se ha consignado. El Juez de Instruccion le advirtió la obligacion en que está de decir verdad y le enteró de las penas con que el Codigo castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó en nombre de Dios y preguntado por los particulares del articulo cuatrocientos treinta y seis

D Agustin Amador Reyes f 44 3

de la Ley de Enjuiciamiento Criminal, dijo que se llama Juan Oveda Consignado, de veinte y siete años de edad, de estado casado, vecino de esta, cumpliendo condena, de profesion oficio albañil que- conoce al procesado y- las demás partes de cuyo nombre se le enteró y- te- -ne con ellos amistad- relaciones de- si ha esta- -do procesado y que- sabe leer y- escribir- Acto seguido y á las preguntas que le fueron hechas por el Sr. Juez, dijo que está cumpliendo con- -dena por el delito de disparo de arma de fuego y lesiones que conoció en la Carcel al preso D. Ricardo Ruiz y sabe que nunca fue maltra- -tado en ella, de obra ni de palabra, por nadie que nunca le oyó pedir auxilio y si bien en ocasiones le oyó hablar alto era llamando á sus hijos á quienes decia queria verlos: que el dia en que falleció Ruiz, en el momento en que el declarante iba á darle por la reja una cucharada de medicina que el decia era bromuro observó que dicho Ruiz veia rapidamente con

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SELLO 2º A. 1896 Y 97

100 PLIEGOS $ 40 C

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la cabeza inclinada como para darse un golpe contra la reja y el dicente metió los brazos por entre ella y le sujetó, y entonces avisaron al Clavero y penetraron en la habitacion este, el vigilante y el que dice, y le sujetaron, pues estaba muy excitado: que ya no hablaba, y á peticion del Alcaide le prestó servicios médicos, en tanto veia el forense, el médico Arango: que está presente, falleciendo Ruiz poco antes de llegar el forense, y por último que el dicente aunque ignora de que falleció dicho Ruiz cree que murió del ataque en que le sujetó con los demás ya dichos por que observó que fué muy violento. En este estado se dió por terminado el acto disponiendo Su Señoría se extendiera la presente que despues de leida y conforme en ella el testigo la firmó asi que lo hicieron los Sres. Juez y Abogado Fiscal de que certifico = Vega = Leon = Agustin Amador =

Ciriaco Anastasio Arango = Don Ciriaco de Arango
Arango y Rigalos = En la villa de Guanabacoa á seis
Rigalos de Marzo del año de mil ochocientos noventa
f 46 y siete, constituido el Sor. Juez de Instruccion
de esta villa
en la Carcel y presente el Abogado Fiscal con
asistencia del Secretario que suscribe, se hizo
comparecer á una persona de la raza blanca
que manifestó llamarse como queda dicho. —
El Juez de Instruccion le advirtió la obliga-
-cion en que está de decir verdad y le enteró
de las penas con que el Código Castiga el deli-
-to de falso testimonio en causa criminal y
le recibió juramento que prestó en nombre de
Dios y preguntado por los particulares del arti-
-culo cuatrocientos treinta y seis de la Ley de
Enjuiciamiento criminal dijo: que se llama
como queda consignado, de veinte y ocho años
de estado casado, vecino de esta, de profesion ú
oficio Dedo. en Medicina, que - conoce al pro-
-cesado y - las demas partes de cuyo nombre se
le enteró y - tiene con ellos amistad - relaciones

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SELLO 1º A. 1896-97
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de- ha estado procesado y que sabe leer y-
escribir. Acto seguido y á las preguntas que
le fueron hechas por el Sor. Juez dijo: que se en-
-cuentra preso por asuntos políticos á disposicion
de un Juez de Instruccion Militar: que no co-
-nocia á Don Ricardo Ruiz, pero supo, por ha
-berlo oido en la Carcel, que se encontraba preso.
que al dicente no le consta que durante la pri
-sion de Ruiz haya sido maltratado de obra
ni de palabra por nadie; no habiendole oido
nunca pedir auxilio, ni gritar; aunque si sabe
que con frecuencia llamaba á la puerta de su
encierro y al que acudia, le interrogaba en tono
excitado por sus hijos: que sabe que á Ruiz se
le guardaba en la Carcel todo genero de conside
-raciones y se le prestaban auxilios y se le conce
-dian comodidades de que no gozaban los demas
reclusos: que como al medio del mes digo del dia

dies y siete del mes último, el que dice fué llamado por el Alcalde para que prestara sus ~~servicios~~ médicos al citado Ruiz que se hallaba enfermo, al que encontró acostado con un violento ataque, al parecer epiléptico presenciando los últimos síntomas de este, y repuesto ya el enfermo de dicho ataque, pre-guntó por sus hijos y á cerca de que estaban vivos ó muertos haciendole estas preguntas en tono de excitacion nerviosa, y despues de con-testarle el dicente que estaban buenos y que se los traeria observó que dicho Ruiz se al-teró en su rostro notablemente, presentando un carácter terrible que fué desapareciendo po-co á poco hasta convertirse en forma melan-cólica ó hipocrática, con manifestaciones de llanto é inmediatamente despues afectó una notable palidez, cesacion del pulso y de los latidos del corazon, sudoracion abundante y fria y laxitud muscular, hasta que falleció en breve termino; y en opinion del que dice su

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SELLO 14ª A. 1896 y 97
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N. 6.761440 40 -

muerte se debió á un síncope cardiaco: que en el hábito exterior de Ruiz observó una pequeña arañadura en la region craneana, la cual nunca, en ningun caso pudo contribuir á la muerte de Ruiz por su poca importancia, pues de producirse la muerte de un individuo á consecuencia de una lesión en ese sitio hubiera sido preciso que ella se inflijiera con mano potente, con instrumento adecuado, y productora de fractura ó hundimiento del hueso cuyos fenomenos producirian ya una congestion cerebral ya una meningitis, enfermedades graves y que generalmente producen la muerte en un término más ó menos breve segun la importancia de la lesion y las condiciones del agredido: que á juicio del esponente los síntomas que precedieron inmediatamente al fallecimiento de Ruiz no eran los propios de

la meningitis ni de la conmocion cerebral. que segun supo por el Alcaide el pequeño pas- -quino que tenia Ruiz en la cabeza á que antes se ha referido se lo causó el propio Ruiz en una caida que se dió Ruiz de una silla, no pareciendo posible que asi sucedie- -ra por el lugar en que estaba el rasguño, sien- -do lo más probable, que cual dijo el Briga- -da que vigilaba el calaboso, el preso se diera un golpe contra la puerta de la bartolina con la cabeza - En este estado su Señoria dió por terminado el acto, que se extendiera és- -ta, que despues de leida, fué firmada con- -forme por el declarante asi que lo hicieron los Señores Juez y Abogado Fiscal. Lo certifico Vega = Leon = Liriaco de Arango = Anastasio Arango = Don José Puiggrós y Mena = En la villa de Guanabacoa á seis de Mar- -zo del año de mil ochocientos noventa y siete constituido el Señor Juez de Instruccion de esta villa en el local que ocupa el Juzgado

D. José Puiggrós Fig

con asistencia del Secretario que suscribe, se hizo comparecer á una persona de la raza blanca que manifestó llamarse Don José — Puiggrós y Moreno — El Juez de Instruccion le advirtió la obligacion en que está de decir verdad y le enteró de las penas con que el Código castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó en nombre de Dios y preguntado por los particulares del artículo cuatrocientos treinta y seis de la Ley de Enjuiciamiento criminal, dijo: que se llama como queda consignado, de cuarenta y cuatro años, de estado casado, vecino de esta, Peperantonio minero veinte y cuatro, de profesion ni oficio del comercio que — conoce al procesado y — á las demás partes de cuyo nombre se le enteró y — tiene con ellos amistad — relaciones de — no ha

estado procesado y que - sabe leer y - escribir.
Acto seguido y á las preguntas que le fue-
-ron hechas por el Sor. Juez, dijo: que ratifi-
-fica la declaracion que prestó ante el Sor.
Juez que le interroga en diez y siete de Fe-
-brero último con motivo de la muerte de su
tio político Don Ricardo Ruiz de Ugarrio a-
-caecida en la Cárcel de esta Villa: que sabe
que á su citado tio se le guardaron en la Cár-
-cel todas las consideraciones y deferencias com-
-patibles con la prision incomunicada que su-
-fria sin que le conste ni tenga noticias
de que fuera objeto de malos tratamientos
de palabra ó de obra: que á su citado tio
no le conoció con anterioridad á su prision en-
-fermedad ó padecimiento alguno: que le cons-
-ta que su citado tio era un esposo cariñoso
y un amante padre de familia á la que de-
-dicaba todos sus desvelos y de la cual no se
separó nunca en los siete años que le conoció
que ignora la causa de la muerte de su citado

N 6.761.442

SELLO 14ª A.º 1896 y 97

100 PLIEGOS=40 Cs

tio y no creé que su muerte fuera violenta ó producida por tercera persona: que su citado tio tenia un carácter nervioso é irritable que se manifestaba sobre todo en ocasiones en que las circunstancias ordinarias de la vida le eran contrarias, creyendo que dados esos antecedentes y con motivo de su prision y separacion de su familia estuviera exaltado é irritado. En este estado se dió por terminado este acto, haciendose constar que se ha hallado presente el Sr. Abogado Fiscal Don Manuel Leon Escobar dispuso su Señoria se extendiera esta la que fué leida y despues de firmada por Su Señoria y el Sr. Abogado Fiscal, la firmó el declarante que la halló conforme. Lo certifico = Vega = Leon = José Quiggrós = Anastasio Arango = Don Juan Gratacós y Farcó =

D Juan Gratacós f 51-

En la villa de Guanabacoa á seis de Marzo

del año de mil ochocientos noventa y siete constituido el Sor. Juez de Instruccion de esta Villa en el local que ocupa el Juzgado con asistencia del Secretario que suscribe se hi-zo comparecer á una persona de la raza blan-ca que manifestó llamarse Juan Eratacos y Favio - El Juez de Instruccion le advir-tió la obligacion en que está de decir ver-dad y le enteró de las penas con que el Código castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó en nombre de Dios y pregunta-do por los particulares del artículo cuatro-cientos treinta y seis de la Ley de Enjuicia-miento criminal dijo: que se llama como queda consignado, de sesenta y seis años, casa-do viudo, vecino de Jesus María número tres en esta villa, de profesion ni oficio comer-cio, que - conoce al procesado y - las demas partes de cuyo nombre se le enteró y - tiene

SELLO 14ª A. 1896-97
100 PLIEGOS=40 C
JUZGADO DE 1ª INSTANCIA DE GUANAJUATO

N. 6.761.443

43

con ellos amistad - relaciones de - no ha es-
- tado procesado y que - sabe leer y escribir -
Acto seguido y á las preguntas que le fue-
-ron hechas por el Sor. Juez dijo: que ratifica
la declaracion que prestó en diez y siete de
Febrero ultimo ante el Juez que le interroga
con motivo del fallecimiento de D. Ricardo
Ruiz de Ugarrio ocurrido en la Carcel de es-
-ta villa: que cree que al citado Ruiz se
le guardaron en la Carcel toda clase de consi
-deraciones pues el declarante le remitió por
encargo de la esposa de Ruiz un silla de
extension de los conocidos y usuales para
viajar: que no sabe que el Ruiz fuera
objeto de malos tratamientos de palabra
ó de obra en su prision: que durante los
doce años que trató á Ruiz y dada la

intima amistad, que con este tenía puede
asegurar que no padecía de afección alguna
que por esa amistad y conocimiento íntimo
sabe que Ruiz era no solo afectuoso y ca-
riñoso con su familia sinó que aún tenía
ese mismo afecto hácia personas extrañas
como sucedió con la asistencia cariñosa que
durante cuatro meses prestó á un hijo del
declarante: que no sabe la causa de la muer-
-te del citado Ruiz, sin que haya llegado á
su noticia que esta fuera violenta ó produ
-cida por mano extraña, pues, ni aún á su
viuda ha oido expresarse en esos términos: que
á su juicio Ruiz tenía un carácter franqui
-lo si bien no exento de la impresionabilidad
propia de su juventud, creyendo que le afec
-tara bastante su prision y la separacion
de su familia y estimandolo así porque al
haber ido á la Cárcel con motivo de su
muerte el Alcaide le manifestó que había
estado constantemente llamando al declarante

SELLO 14º A. 1896 y 97

100 PLIEGOS=40 Ct

JUZGADO DE 1ª INSTANCIA DE GUANAJUATO

N. 6.761.444 44.

y á sus hijos. En este estado Su Señoría dió por terminado el acto al cual ha asistido el Sor. Abogado Fiscal Don Manuel Don Escobar, dispuesto se extendiera esta la que leida fué firmada por todos ¡que la hallaron conforme. Lo certifico = Vega = Leon = Ipolito Juan Tratados = Cuartario Arango = Guanabacoa Marzo siete de mil ochocientos noventa y siete = Evacuese la cita que resulta á fojas treinta y siete vuelta al Escribano Señor Galindo; traigase á la causa certificacion de la defuncion de Don Ricardo Ruiz; practiquese una inspeccion ocular en la Cárcel á fin de hacer constar si las bartolinas están numeradas y líbrese oficio al Señor Jefe de Policia á fin de que por el Inspector del Reconocimiento de Bugues se informe

á este Juzgado la salida de Doña Rita Lez-
-ca viuda de Ruiz para el extrangero y con
noticias el que provee, de que acerca del hecho
que se investiga se instruyó por un Sor. Coro-
-nel de Ejército un expediente de orden Supe-
-rior, líbrese comunicacion al Escelentísimo
Señor Capitan General á fin de que dis-
-ponga se remita dicho expediente ó certi-
-ficacion literal del mismo. Lo proveyó y
firma Su Señoría. Lo certifico = Vega = Anas-
-tasio Arango = Nota: que se libró carta or-
-den al Juez Municipal, oficio al Jefe de
Policía y comunicacion al Excmo. Sor. Capitan
General. Lo certifico = Arango = Don Ra-
-fael Galindo y Piñero = En la villa de
Guanabacoa á siete de Marzo del año
de mil ochocientos noventa y siete consti-
-tuido el Señor Juez de Instruccion de esta
villa en el local que ocupa el Juzgado con
asistencia del Secretario que suscribe, se hizo
comparecer á una persona de la raza blanca

D. Rafael Galindo 54 - 3

SELLO 14º A.s 1896 á 97

100 PLIEGOS=40 C.

JUZGADO DE 1RA INSTANCIA DE GUANABACOA

N. 6.761.445

46.

que manifestó llamarse Rafael Calvido y Piñero- El Juez de Instruccion le advirtió la obligacion en que está de decir verdad y le enteró de las penas con que el Codigo castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó en nombre de Dios y preguntado por los particulares del acticulo cuatrocientos treinta y seis de la Ley de Enjuiciamiento criminal, dijo: que se llama como queda consignado, de treinta y ocho años, de estado viudo, vecino de Jesus María número uno en esta villa, de profesion ii oficio Escribano de esta que- conoce al procesado y- las demás partes de cuyo nombre se le enteró y- tiene con ellos amistad- relaciones de- no ha estado procesado y que si sabe leer y si escribir. Acto seguido y á

las preguntas que le fueron hechas por el Señor Juez, dijo: que conoció desde la infan-cia a Don Ricardo Ruiz de Ugarrio habien-dose estrechado más su amistad con el indi-cado por ser su convecino hace más de diez años: que el dia de su prision y antes de ser de noche por encargo de la mujer de dicho Señor, Doña Rita Lezca, le llevó al citado Ruiz ropas de cama y un abrigo, lo que le consta le fué entregado enseguida que se los llevó a la Carcel, por el Alcaide, habien-dosele proporcionado tambien por conducto de Don Juan Gratacós un sillon de exten-sion: que no sabe que Ruiz fuera en la prision tratado mal, pues, al contrario sa-be se le guardaron al referido Señor Ruiz de Ugarrio, por los empleados de la Carcel, todas las consideraciones posibles con el es-tado de la prision en que se encontraba. En este estado el Sor. Juez dió por termina-do el acto, que se extendiera esta, la que fué

SELLO 14º A.º 1896 y 97
100 PLIEGOS=40 C.
N 6.761.446

46.

leida y conforme firmada por el testigo des-
-pues que lo hizo Su Señoria. Lo que certifico=
Vega = Rafael Galindo = Augustario Arango =

Insp.ª ocular f.55-3

Inspeccion ocular = En la villa de Gua-
-nabacoa á ocho de Marzo de mil ocho-
-cientos noventa y siete Su Señoria con mi
asistencia se constituyó en la Carcel pu-
-blica de esta villa para cumplir lo dis-
-puesto en providencia del dia de ayer prac-
-ticando una inspeccion ocular al exterior
de las bartolinas y como resultado de ella
se hace constar: que las citadas bartolinas
no se encuentran en la actualidad numera-
-das ni señaladas con signo ó denomina-
-cion alguna que las distinga entre si,
haciendose constar ademas por informe en
este acto del Secretario que en los cuatro

años que hace desempeña el cargo no ha visto nunca que dichas bartolinas hayan estado señaladas para distinguirse entre sí. Lo que se hace constar por la presente que suscribe Su Señoría, ante mí que lo certifico = Vega = Anastasio Arango = Rdo.

Certifn de defun cion f 56

Don Felipe de Jesús España y Asengo Juez Municipal de esta Villa = Certifico: que al folio ocho, tomo veinte y cuatro. Secciones de Defunciones del Registro Civil de este Juzgado Municipal consta una inscripcion que á la letra dice = Número ocho = Ricardo Ruiz de Ugarrio y Salvador = En la villa de Guanabacoa á las seis de la tarde del dia diez y ocho de Febrero de mil ochocientos noventa y siete, el Rdo. Don Felipe de Jesús España y Asengo Juez Municipal de esta villa, ante mí Don Tomás Cabos y Zulueta, Secretario, dijo: que ha recibido á las seis de la tarde del mismo.

Certificado

JUZGADO DE 1ª INSTANCIA DE GUANABACOA
SELLO 14ª A.S. 1896-97
100 PLIEGOS=40 C.

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47.

dia un mandamiento del Juzgado de Ins-
-truccion de esta referida villa, fecha del pro-
-pio dia, por el cual se ordena la inscripcion
en este Registro Civil del fallecimiento de
Don Ricardo Ruiz de Negarrio y Salvador, na-
-tural de la Habana, provincia de idem, de cua-
-renta y seis años de edad, cirujano-dentista y
vecino de esta villa calle de Jesus Maria nume-
-ro dos, cuya defuncion ocurrió en la tarde de
ayer en la Real Cárcel de esta villa, donde se
encontraba preso, á consecuencia de congestion
cerebral segun el resultado de la autopsia prac-
-ticada á las cuatro de la tarde del referido
dia. En vista de lo relatado y de la certifica-
-cion facultativa presentada, el Sor. Juez Mu-
-nicipal dispuso que se extendiese la presente
acta de inscripcion consignandose en ella ade-

-mas de lo expuesto y de los datos adqui-
-ridos por el citado mandamiento las circuns-
-tancias siguientes: el referido finado estaba ca-
-sado en el acto del fallecimiento con Doña
Rita Lerca y Maestre, natural de Managua
provincia de la Habana, mayor de edad, dedica-
-da á las ocupaciones de su casa y vecina de la
citada calle de Jesus María número dos, de cu-
-yo matrimonio deja cinco hijos nombrados Doña
Mercedes, Doña Evangelina, Don Ricardo, Doña
Renè y Doña Gloria - Que era hijo legitimo
de Don José Ruiz de Ugarrio y Pacheco, natu-
-ral de Santander provincia de idem y de Doña
Joaquina Salvador y Gonzalez, natural de la
citada Habana, ya difuntos - Que se ignora
si otorgó testamento - Y que su cadaver será
sepultado en el Cementerio general de esta villa.
Fueron testigos presenciales Don Nicolás del Co-
-ral y Vazquez, natural de la referida Habana,
del foro, y Don Francisco Gutierrez Lopez natu-
-ral de Córdoba, provincia de idem, del comercio

JUZGADO DE 1ª INS. DE GUANABACOA
SELLO 14º A.º 1896 y 97
100 PLIEGOS=40 C.

N. 6.761.448

48.

mayores de edad casados y de este vecindario. Leida integramente esta acta é invitadas las personas que deben suscribirla á que la leyeran por sí mismas si así lo creian conveniente, se estampó en ella el sello del Juzgado Municipal y la firmaron el Sñor. Juez y los testigos y de todo ello como Secretario certifico = Hay un sello que dice = Juzgado Municipal de Guanabacoa. Felipe España = Nicolás del Corral = Francisco Gutierrez = Tomás Cobos = Srio = Es copia conforme á su original á que me remito. Para remitir al Sñor. Juez de Instruccion de esta villa expido la presente en Guanabacoa á ocho de Marzo de mil ochocientos noventa y siete = Hay un sello que dice = Juzgado Municipal de Guanabacoa = Felipe España = Tomás Cobos. Srio = Adjunto tengo el honor de remitir

Oficio
f 58

á V. S. certificacion de la partida de defun-
-cion de Don Ricardo Ruiz de Ugarrio segun
V. S. se sirvió interesar. Dios gde. á V. S. m.s a.s
Guanabacoa Marzo ocho mil ochocientos noven-
-ta y siete = Felipe España = Sor. Juez de Ins-
-truccion de esta villa = En el dia diez de
Marzo del corriente año compareció ante mí
el Interprete Oficial Don Luis Freixedas y Ba-
-lells y me hizo entrega de los dos numeros del
periodico New York Herald correspondientes
á los dias veinte y uno y veinte y dos del mes
de Febrero próximo pasado que le fueron entre-
-gados el dia seis de los corrientes. Asi mismo
me hace entrega de las traducciones al castellano
de los sueltos que le fueron indicados por su
Señoria y firmó de que certifico = Luis Freixe-
-das = Arango = En la villa de Guanabacoa
á diez de Marzo de mil ochocientos noventa
y siete ante el Señor Juez y de mi el Secreta-
-rio que certifico compareció Don Luis Freixe
-das y Balcells natural de Barcelona de sesenta

SELLO 1º A. 1896 á 97
100 PLIEGOS = 40 C.
JUZGADO DE 1ª INSTª DE GUANABACOA

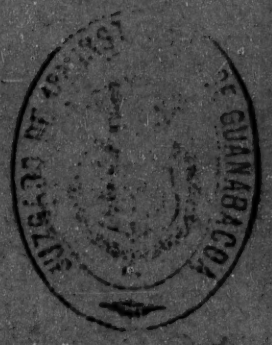
N. 6.761.443

49-

y dos. Interprete Oficial, casado y vecino de
Habana ciento noventa y tres, á quien Su
Señoria tomó juramento que prestó en forma
por el cual ofreció decir verdad y puestole
de manifiesto la traduccion que obra de fo-
-jas dos á la ocho y la que ha presentado se-
-gun consta en las actuales diligencias para
que diga si son hechas por el declarante y
si interpretan fielmente el original de que
han sido tomadas, contestó afirmativamente.
En este estado Su Sria. dió por terminado
el acto disponiendo se extendiera la que fir-
-mada despues de leida por el testigo que la
halló conforme firmando antes Su Señoria=
Lo certifico = Vega = Luis Feixedas = Anastasio
Trad. Arango = (siguen dos numeros del New York
cion del Herald y Herald) = Herald del veinte y uno de Febrero

21 de febrero
f 63

de mil ochocientos noventa y siete = Le guie-
-re buques de guerra en Cuba = Jacksonville
Fla. Febrero veinte de mil ochocientos noven-
-ta y siete = El Consul General Lee ha pedi-
-do con urgencia al Gobierno que envie bu-
-ques de gherra á Cuba - Estos informes los he
obtenido esta noche, ó han llegado á mi, de
persona autorizada en la Habana. Se ha
manifestado que la peticion se ha hecho á
causa de la actitud de las Autoridades Es-
-pañolas en Cuba, relativo al ultraje hecho
á la ciudadania americana con el asesina-
-to del Dor. Ruiz en la Carcel de Guanaba-
-coa - Los detalles de los incidentes á que si-
-guió la muerte de Ruiz son desconocidos,
pero despachos especiales de la Habana han
manifestado ya que el Cónsul General Lee
iria inmediatamente á Guanabacoa á inves-
-tigar la muerte de Ruiz. Se ha declarado
que el infeliz americano fué muerto por
orden del Comandante Fondesviela. El her-



N. 6.761.450

50-

-cho de que el Olivette, el vapor que sale de la Habana para Cayo Hueso los sábados á la una de la tarde no saliera de esta Ciudad hasta las cinco de la tarde de hoy, indica que algo extraordinario ha sucedido en la Habana - Hasta ahora no se ha explicado su demora - Luego fuí á ver al Secretario de Estado Mr. Olney, tarde, esta noche, me dijo que no habia recibido despacho alguno del Consul General Lee pidiendo que se enviase á la Habana un buque de guerra de los Estados Unidos - El General Lee envia sus mensajes al Departamento de Estado generalmente en cifra, y se traducen en el Departamento. Es posible que un mensaje haya llegado hoy á Washington despues de cerrar las horas de negocios ó oficinas en el Departamento y no ha sido entregado aun - Tambien es posible

que el General Lee haya enviado su despa-
-cho por vapor á Cayo Hueso, en cuyo caso
no habria llegado aun aquí. No se cree pro-
-bable que una cosa de tanta importancia co-
-mo pedir un buque de guerra, se hubiera
mandado por Correo y los Oficiales del Depar-
-tamento de Estado no saben de ningun caso
urgente que requiera que se haga esta peticion
por cable. El Jueves fué informado el Depar-
-tamento de Estado, de que en la Carcel de
Guanabacoa se habia dado muerte al Dor.
Ruiz, ciudadano americano, naturalizado.
No ha sido aun informado del horrible trato
que recibió el preso á manos de las Autori-
-dades Españolas, ni de la accion del Gober-
-nador de la Carcel que mandó que se le
matase á palos. Los Oficiales del Depar-
-tamento dicen que habian esperado que
el Consul General Lee haria una investiga-
-cion sin consultar primero al Departamen-
-to y han estado esperando detalles por Correo

JUZGADO DE 1ª INSTANCIA DE GUANABACOA
SELLO 14ª A.s 1896 y 97
100 PLIEGOS=40 C

N 6.761.553

57.

En vista del caracter de las noticias que pu-
-blican los periódicos, sinembargo, el Departa-
-mento telegrafió al General Lee, dandole ins-
-trucciones para que haga una completa
investigacion, y dé cuenta por cable, si ha-
-lla algo de importancia - Cuando lleguen es-
-tos informes las autoridades podran poner
el asunto ante el Gobierno Español en Ma-
-drid si es que los hechos exigen que se adop-
-te esta medida. No ha habido ninguna co-
-municacion sobre este asunto entre el Secre-
-tario Olney y el Ministro Taylor en Madrid.
Hasta que no se reciban noticias más deta-
-lladas del General Lee, el departamento no
puede hacer nada en el caso de Ruiz - Las
noticias se espera que lleguen el martes -
El Dor. Ruiz era de Filadelfia - Filadelfia
Pa. Febrero veinte mil ochocientos noventa

y siete - No solamente la Colonia Cubana
sinó toda la comunidad se horrorizó hoy
cuando leyó el despacho de la Habana pu-
-blicado por el Herald anunciando el brutal
asesinato del Dor. Ruiz, en la Cárcel de
Guanabacoa por el solo delito de ser ciu-
-dadano de los Estados Unidos. Ruiz te-
-nia muchos amigos en Filadelfia, no entre
los hombres que han estado por años ayuda-
-do á los insurrectos cubanos (porque él no
tomaba parte en sus movimientos) sinó en-
-tre la Facultad y estudiantes del Colegio de
Cirujia Dental de Pensylvania y personas
que encontró en la práctica de su profesion
El hombre asesinado nació en Cuba hace
cuarenta y cinco años - Su padre nació en
España - Vino á los Estados Unidos á prin
-cipios de mil ochocientos setenta y cinco
pasó cerca de un año en New-York y des-
-pues vino á Filadelfia - El trajo cartas
de recomendacion de amigos en Cuba á An-
-tonio Zerama del N.° seiscientos treinta y

JUZGADO DE GUARDIA

SELLO 1ª A. 1896 y 97
100 PESOS = 40 C

N. 6.761.554

52.

seis Arch Street que entonces residia en Seventh y Wood St. - Despues de dos años de estudios en el Colegio Dental Ruiz se graduó con honores en la clase de mil ocho-cientos setenta y ocho. En casa de Mr. Ze-zama con quien vivió mientras permaneció en Filadelfia abrió un gabinete y practicó su profesion por unos meses pero estalló la gue-rra de los diez años en Cuba - Durante es-ta contienda el tuvo que emplear su exen-to en el Ejército Español - El le dijo una vez á Mr Zezama que temia que al volver á Cuba el gobierno lo molestaria por este motivo, y que se iba á hacer ciudadano de los Estados Unidos. Sacó documentos de ciu-dadania y el once de Marzo de mil ocho-cientos ochenta volvió á Guanabacoa - Allí adquirió gran reputacion en su escogida

profesion, se casó, y cuando murió dejó siete hijos - Mr. Lyons recibió noticias del Dr. Ruiz por un amigo que volvió de la Habana hace dos meses. - El infor-mante le dijo que el dentista se dedica-ba exclusivamente á su negocio, y no to-maba parte en asuntos políticos ó revo-lucionarios - Como estudiante Ruiz era de un carácter modesto y reservado. Sus amigos insisten en que el gobierno de los Estados Unidos investigue el asunto y las causas, si hay alguna, que han influido á que se le haya dado muerte = Lee pide la libertad de Scott = Habana. Cuba. Fe-brero veinte de mil ochocientos noventa y siete = El General Lee ha reclamado la libertad de Charles Scott, americano nati-vo, que llegó á la poblacion de Regla, cerca de la Habana, el nueve de Febrero y está preso desde entónces en la Cárcel de la Ciudad = Traducido fielmente de su ori-ginal, idioma inglés, que certifico - Ha-

SELLO 14º Año 1896 á 97
100 PLIEGOS = 40 Cs
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.555

55-

-bana diez de Marzo de mil ochocien-
-tos noventa y siete = El Interprete de
Gobierno = Luis Friesedas = La autopsia
Traducción de fº 66 de Ruiz demuestra violencia = El Herald
publicó en una de sus ediciones de la ma-
-ñana de ayer los hechos preliminares de
las peticiones del General Lee y de su in-
-vestigaciones sobre el haber sido muerto
el Dor. Ricardo Ruiz en una prision es-
-pañola en Guanabacoa. Cuba. - En breve,
estos hechos, como los ha relatado el corres-
-ponsal especial del Herald, que estaba
con el General Lee, son, que el General re-
-cibió noticias de la muerte del Dor. Ruiz
el jueves pasado á las diez de la mañana
é inmediatamente se puso en movimiento.
Se dirijió enseguida á Palacio y fué recibido
por el General Ahumada - Capitan General

interino - El Cónsul pidió que le fuese en-
-tregado inmediatamente el cadáver del Dor.
Ruiz, para que se practicase la autopsia por
dos médicos, uno de los cuales había de ser
americano y nombrado por él. El General
Ahumada accedió á lo que se pedia y vein-
-te minutos despues, acompañado por el Dor.
Burgess, encargado del Hospital de Marina
de los Estados Unidos en la Habana y el corres-
-ponsal del Herald, el General Lee salió para
Guanabacoa, llegando allí al mediodía - Allí
el Comandante Fondesviela, y el Alcalde Señor
Marini, trataron de demorarlos, pero el Cón-
-sul General Lee insistió en ver inmediata-
-mente el cadáver y fueron á la Cárcel - Cuan-
-do llegaron á la Cárcel, el carro de los muertos
en el que iba el cadáver del Dor. Ruiz estaba
para partir, demostrando que unos cuantos
minutos más, hubiera sido demasiado tarde.
Por órden del General Lee, fué abierto el páco-
-fago - La cara del Dor. Ruiz estaba horri-
-blemente torcida, demostrando claramente que
había muerto de muerte violenta. Y de su

JUZGADO DE 1ª INSTª DE GUANABACOA
SELLO 14ª A. 1896 Y 97
100 PLIEGOS=40 C

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boca corria la sangre coagulada.- Las Au-
-toridades Españolas hicieron todos los esfuer-
-zos para demorar la autopsia, pero despues
de haber consultado con el Dor. Burgess el Ge-
-neral Lee insistió en que se practicase
enseguida- Las Autoridades al fin consin-
-tieron- Mientras se cerraba el sarcófago
el corresponsal del Herald salió al patio
donde estan muchos de los calabozos. Al pa-
-sar por uno de ellos, uno de los presos dijo
en español en voz baja: "= Durante tres
noches todas oimos gritos penetrantes que sa-
-lian del calabozo del Dor. Ruiz- Dios sabe
lo que sucedia. Solo Dios sabe como él ha
-lló su muerte=" Otro dijo tambien en espa-
-ñol= "El no murió en este calabozo gran-
-de y espacioso donde Vd. lo ha visto- Lo
vi tres que lo llevaban cuando ya estaba
muerto=" El resto del despacho que se reci-

... -bió ayer, muy tarde para publicarlo, es como sigue: = Habla el preso: - Habana Cuba Febrero veinte de mil ochocientos no- -venta y siete = Lo pusieron en mi catre en el calabozo donde Vd. lo halló, llamado la Santa María, con la cara envuelta en una frazada; pero donde él estaba y don- -de murió fué en aquel oscuro pasadizo á la izquierda, en la celda ó "bartolina" N°. tres, que es la tercera bajando por el pasadizo" = Entonces volví á reunirme con el General Lee y el Dor. Burgess, y á peti- -cion del General Lee y haciendo de inter- -prete hice al carcelero, al Juez de Instruc- -cion y al Alcalde, estas preguntas, allí en la presencia silenciosa del muerto. 2 "Fué en- -contrado el Dor. Ruiz muerto, en este cala- -bozo donde lo hallamos cuando vinimos." 2 "Pasó él parte del tiempo que estuvo preso en alguna otra celda." = El Alcalde y el Car- -celero contestaron estólidamente: "Lo encon- -tramos tendido en el suelo, muerto, en este ca- -labozo. El pasó todo el tiempo de su prision

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100 PLIEGOS=40 C.
JUZGADO DE 1ª INST.A DE GUANABACOA

N. 6.761.557

catorce dias, en este calabozo.". Pero el Juez de Instruccion, un hombrecito astuto, con co-lor y ojos de chino que quizás sospechaba la existencia de al menos parte de la evidencia que el Consul americano tiene en su poder, se puso de pié ante la escrutadora mirada de los agu-dos ojos del General Lee y dijo: ". Un momento caballeros; Vdes. olvidan. No recuerdan Vdes. que cuando el Dor. Ruiz fué traido aquí todos los calabozos buenos estaban ocupados y tuvi-mos que ponerlo en otro. Era tambien un buen calabozo, pero menos cómodo y re-cuerden Vdes. que despues de veinte y cuatro horas, al dia siguiente lo colocamos en la Santa María, donde murió. El Alcalde y el Carcelero asintieron. Quizás el carcelero se sorprendió, quizás es supersticioso como to-dos los de su clase, pero lo cierto es que su espíritu se turbó, cuando por la más sencil

-lla casualidad del mundo el General
Le se detuvo frente á la bartolina Nº
tres en el pasadizo de la izquierda - "Vea
-mos este calabozo" - dijo el General alegre
-mente - y ya creo que habremos agotado
las vistas de su institucion. El Carcelero
estaba parado intranquilo primero en una
pierna, y luego en la otra, se enjugaba el su
-dor de la cara y se echó sobre los ojos la
visera de carey de su gorra, y contestó tar
-tamudeando - "Creo que no tenemos llave
para este calabozo - No se ha abierto nun
-ca en el tiempo que yo he estado aquí, que
hace ahora seis años" - El no pudo resistir
el frio y tranquilo escrutinio de este demo
-nio que vino bajo la apariencia del Con
-sul americano. "Pero su Excelencia parece
interesado en verlo y yo iré á la Oficina
nos dejó con el pegujado carcelero
á ver si puedo encontrar la llave - Y se
abrió la ventanita por donde se pasa el
alimento á los presos incomunicados. Mi
-ramos por ella. El Calabozo tenia cinco
piés de largo, tres de ancho y siete de alto.

JUZGADO DE PRIMERA INSTANCIA DE GUANABACOA

SELLO 14ª A. 1896 y 97
100 PLIEGOS=40 C

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No habia mas ventana que, por la que mirabamos que tenia seis por seis pulga-das, que polgaente se abria para dar pa-so al alimento- El piso era de agudos y desiguales guijarros- No hay ni hubo mue-ble durante la prision del Dor. Ruiz ni si-lla, ni cama- El lugar estaba lleno de moscas y el hedor era horrible- Aqui fué donde murió el Dor. Ruiz, asesinado á san-gre fria ó conducido á la locura y al de-lirio por el maltrato que habia sufrido durante los catorce dias y catorce noches que estuvo incomunicado en aquel agujero, se suicidó- Cuando salimos del pasadizo fuera del corredor con su sangrienta his-toria que contar, se llevaban el sarcófago á través del patio. Los pálidos y anémicos presos, de rodillas detrás de las barras de sus

calabozos, miraban de soslayo, haciendo la señal de la cruz sobre sus pechos; cuando pasamos el carcelero y su segundo, se quitaron el sombrero aparentemente por respeto al cadaver, pero en realidad para ocultar sus sonrisas.- Parecia tan extraño que "Su Excelencia" el Consul americano se interesase por este pobre dentista cubano americano que habia hallado su muerte en la bahia Guanabacoa.- "Escoltamos á los que conducian el cadaver á la "Casa de Socorro" próxima á la Alcaldia y otra vez Fondesviela se puso en nuestro camino, pero no con espiritu maligno, muy al contrario, estuvo muy obsequioso.- ¿Se habia hecho todo como mi general deseaba?" preguntó = "Todo" = respondió el General Lee decididamente, y dos soldados se miraron el uno al otro. Era un contraste. En la Sala principal del Hospital de la Poblacion colocamos el cadaver del Dor. Ruiz sobre una mesa de mármol. El Dor. Vidal, médico municipal, y su asocia-

SELLO 14º Aº 1896 y 97
100 PLIEGOS=40 Cts
JUZGADO DE 1ª INSTANCIA

N. 6.761.553 57.

-do militar, que dijeron primero que estaban en el campo, habian sido encontrados y estaban allí. La autopsia se practicó en presencia del General Lee y en la mia, delante del Juez instructor, el alcalde, un notario y un sobrino del Dor. Ruiz. El cadaver fué colocado primero sobre una losa de mármol y despues se le quitó toda la ropa descubriendo su magnifico físico, firme y en excelente condicion, aunque el Dor. Ruiz tenia cuarenta y seis años - El Dor Burgess examinó entónces todo el cuerpo - La mano derecha estaba descolorida y aplastada - A través del antebrazo derecho habia tres verdugones morados, como si se hubiesen recibido tratando de defenderse de los golpes de un pesado garrote. La cabeza estaba

cubierta con una masa de largo y sedoso cabello. El Dor. Burgess reconoció cuidadosamente el cráneo y pidió unas tijeras y una navaja. En un minuto descubrió una gran magulladura y contusion en el vértice de la cabeza; tenia pulgada y media de largo por una de ancho. Entonces abrió el cráneo. Se halló que aunque el golpe debió haber sido terrible el hueso habia resistido y el cráneo no estaba fracturado. Con estas excepciones ninguna otra magulladura ó raspadura se encontró. Entonces se practicaron todos los detalles de una completa autopsia y se encontraron todos los órganos en perfecta condicion. Los sesos, sinembargo, los dos, el cerebro y el cerebelo estaban llenos de sangre, y la causa inmediata de la muerte habia sido congestion cerebral y en la opinion del Doctor, el golpe en la cabeza habia sido la causa principal de la congestion. Cuando terminó la autop-

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100 PLIEGOS=40 C.
SUPERIOR DE GUATEMALA

N. 6.761.560 58.

-sia el Juez de Instruccion extendió un proceso verbal y pidió al General Lee y al Dor. Burgess que lo firmasen, manifestando que eran simplemente al efecto de que se les concediera todas las ~~facultades~~ facultades á él y al Dor. Americano para llevar adelante su investigacion. Descubrimos sin embargo, que en el último párrafo de este inminente documento había una manifestacion al efecto de que la autopsia había revelado el hecho de que el Dor Ruiz había muerto de un golpe en la cabeza infligido por él mismo, causando congestion del cerebro y resultando en muerte. El General Lee y el Dor. Burgess se negaron á firmar el documento. El General Lee manifestó que á su vuelta á la Habana tendría el placer de informar al

General Ahumada que él (el General Lee) había sido afortunado en conseguir que las órdenes del General Ahumada se cum-
-pliesen al pié de la letra - El Dor. Bur-
-gess manifestó que reservaría su decisión sobre el resultado de la autopsia hasta el dia siguiente y se la comunicaría al Consul General. Antes de esto, el Dor Vidal, Medico Municipal, hizo una manifestacion - El Dor. Vidal parece que no había sido bien instruido sobre la cuestion del calabozo - Dice el Dor Vidal: "El martes al medio dia, el carce-
-lero, me llamó por teléfono á la Carcel al llegar allí, encontré al preso Ruiz, en un calabozo, en el pasadizo, á mano iz-
-quierda. Estaba sufriendo de una ésten-
-sisima excitacion nerviosa. Mandé que lo trasladaran á un calabozo mas gran-
-de llamado la Santa María. Yo no ví que lo llevaran. Mandé al carcelero que le die-
-se una fuerte dósis de bromide y otra

N. 6.761.56.

SELLO 14º Aº 1896 y 97

100 PLIEGOS=40 C

JUZGADO DE 1RA INSTA... CHIRIQUI

mas pequeña, cada dos horas. despues—
El miércoles á la una de la mañana
fuí llamado otra vez á la Cárcel y me
enseñaron el cadáver de Ruiz tendido en
el suelo del calabozo Santa María, en-
-vuelto en una frazada— Hacía media
hora que había muerto.—Por lo que me
dijo el carcelero y por lo que yo ví, por
lo que la autopsia reveló, yo creo que
el preso Ruiz, en su delirio, se arrojó
contra la pared del calabozo y que el cho-
-que causó congestion cerebral. Lo deplo-
-ro ahora que cuando me llamaron pri-
-mero, veinte y cuatro horas antes de
su muerte no haber mandado que le
pusiesen una camisa de fuerza, pero yo
no creí entonces que la excitacion mental
de que estaba sufriendo sería grave. Lo

creí que cedería al tratamiento que pres-
-cribí - Después de terminada la autop-
-sia el General Lee se dirigió á la resi-
-dencia de Mrs. Ruiz á cumplir con el
triste deber de entregarle todo lo que era
mortal de su difunto esposo - Nos acom-
-pañó á su residencia, su sobrino, que
nos condujo por un estrecho callejon
hasta que llegamos á una grande y
cómoda casa, muy diferente de la gene-
-ralidad de las residencias de Guanabacoa
Una mujer estaba parada en la puer-
-ta de la calle y arrojó sus brazos al
cuello de nuestro guia. "Yo sabia que
me lo traerías pronto" sollozó ella. Yo
sé que no puede ser verdad lo que di-
-cen de que ha muerto." Yo esperaba oir
sus pasos en la calle, como he esperado
todas las horas desde que se lo llevaron.
Probablemente nadie sabrá nunca pre-
-cisamente la manera en que el Dor Ruiz
halló su muerte, y á la verdad es com-

SELLO 14º A.º 1896 Y 97
100 PLIEGOS=40 C.
JUZGADO DE 1ª INST.ª DE GUANABACOA

N. 6.761.562 60.

-pletamente inmaterial, una manera
ó la otra. De las dos soluciones posibles
del oscuro misterio, las dos indican ase-
-sinato. - Si las Autoridades conociendo
que la acusacion contra él, era perfec-
-tamente frívola, decidieron poner tér-
-mino al caso, ó si se contentaron con
el más horrible y lento método de im-
-pulsar al desesperado, á un acto desesperado, y el resultado es
el mismo, asesinato, que pide, á gritos,
justa retribucion. Yo sé que la primera
pregunta del Departamento de Estado
hoy al Consul Americano en Cuba, cuan
-do se hace alguna detencion en su dis-
-trito, no es si el preso es ciudadano
americano, sinó es un hombre de caudal
ó rentas. Por la Ley Española y por nues-
-tro tratado el Dor. Ruiz tenia derecho

á oir la acusacion que se le hacia y
hacer una manifestacion preliminar
dentro de veinte y cuatro horas despues
de su arresto. Este derecho le fué negado.
Se notificó al Departamento y Mr. Ol-
-ney asintió - Bajo ninguna circuns-
-tancia por la Ley Española de mil
ochocientos veinte y uno que es una
garantía para nuestros ciudadanos
por el protocolo firmado por Caleb
Cushing en Madrid en mil ochocien-
-tos setenta y ocho puede un hombre
detenido, estar incomunicado, más de
setenta y dos horas. Cuando en este ca-
-so en ~~otros~~ otros muchos casos las auto-
-ridades han violado nuestro tratado
y sus propias leyes, prolongando la in-
-comunicacion el Departamento de Es-
-tado ha sido informado inmediatamen-
-te y Mr. Olney invariablemente ha con-
-sentido - La detencion ha de ser un auto

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100 PLIEGOS = 4 0 C
JUZGADO DE 1ra INSTANCIA DE GUERNICA

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de prision ó rechazada completamente dentro de setenta y dos horas despues de la detencion. Esto no se ha hecho y otra vez Mor. Olivy ha consentido. Yo tuve una corta conversacion con el Juez de Instruccion Sñr. Larosa que estaba encargado de la causa. ¿De qué se acusaba á este hombre?, le pregunté: "El preso ha muerto y la causa ha terminado" - respondió. -

No me propongo ayudar á Fondevila á escojer victimas para sus calabozos, sería enviarlos como ovejas al Matadero si yo fuese á mencionar los nombres de aquellos de Guanabacoa de quienes he obtenido yo mis informes - Todos convienen en decir que hacia ya meses que el Dor. Ruiz era un hombre señalado - El que trabajaba de la mañana á la noche para ganar el pan para su esposa é hijos, se había atraido el venenoso odio de Fondevila, era su certifica-

-do de ciudadanía americana, de que el Dor. Ruiz estaba tan orgulloso y del que esperaba protección para su pequeño hogar, el que lo ha-bria atraido. Fué el documento firmado por Mer. Evarts el que resultó el trapo rojo para el toro español. Se dice libremente que Fon-desviela ha dicho á menudo en Cafés delante de sus Oficiales que por cada historia de atro-cidades que el sepa que publican los perió-dicos americanos, hará matar un americano He estado tanto con oficiales españoles estos dos últimos dias que he adquirido uno de sus caracteristico - He olvidado hacer mencion de la acusacion contra el Dor. Ruiz y á la ver-dad es tan fútil y absurda para hacer men-cion de ella, ahora que la muerte del preso ha revestido el caso de la más profunda so-lemnidad. Acusaban al Dor. Ruiz de haber ayudado al Corobel Aranguren en la noche de Enero diez y seis, último, á descarrilar un tren y capturar diez oficiales de la guarnicion

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100 PLIEGOS=40 C.

JUZGADO DE GUANABACOA

de Guanabacoa- Acusan al Dor. Ruiz par-
-ticularmente de haber colocado en la via
un buey muerto para descarrilar el tren.
Cuando se supo de que se le acusaba á lo
menos diez hombres fueron al Juez de Ins-
-truccion y pidieron que se les tomase decla-
-racion. Ellos manifestaron que la noche
en cuestion habian estado en casa del pa-
-dre politico del Dor. Ruiz- Habia una reu-
-nion familiar para celebrar un aniversario
A las diez el Dor. Ruiz se retiró, por que
se sentia cansado del trabajo del dia y dos
de estos testigos le acompañaron á su casa
que está enfrente; entraron y se sentaron
y estuvieron fumando hasta las once. El tren
fué capturado á tres millas de distancia á

las diez y media - Estos dos hombres son Es-
-pañoles. Otra prueba del sistema del Depar-
-tamento de Estado, está demostrada en el he-
-cho de que aunque todos los americanos cap-
-turados en Cuba sin armas en la mano tie-
-nen derecho á ser juzgados por las Autori-
-dades Civiles, el Dor. Ruiz estaba aun en las
garras de las Autoridades Militares cuando
ocurrió la tragedia, catorce dias despues de
su detencion - El General Lee habia protes-
-tado y telegrafiado á Washington, pero no
habia sido apoyado, y el General Ahuma-
-da se habia demorado. Yo he tenido una
larga conversacion hoy con el Dor. Burgess
que practicó la autopsia, que dice él, demues-
-tra que el Dor. Ruiz murió de congestion ce-
-rebral y que la magulladura del vértice de
su cabeza puede bien haber sido la causa
principal de la congestion - Si la magulla-
-dura fué causada por un asesino, ó si el Dor.

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se tiró contra las paredes de su calaboso, el Dr. Burgess, no podia decir. La autopsia no ha arrojado ninguna luz sobre este misterio Pero el Dor. Ruiz murió de muerte violenta. Fué asesinato ó suicidio por haber sido impulsado á la desesperacion. Stephen Bonsal

Traducido fielmente de su original idioma inglés, que certifico. Habana diez de Marzo mil ochocientos noventa y siete. El Intérprete de Gobierno = Luis Freixedas = dos = Los Cubanos lo llaman asesinato = Las noticias de Cuba publicadas en el Herald ayer referentes al asesinato del Dor. Ruiz en una prision española en Guanabacoa y sobre la dimision del Consul General Fitzhugh Lee á menos que su gobierno lo apoyase, era el tema principal de las conversaciones en los circulos

cubanos en esta ciudad - Hablandome del
asunto ayer el Subdelegado de la Junta Joa-
-quin D. Castillo dijo - "Para mi el caso del
Dor. Ruiz es uno de los que ocurren diaria-
-mente en Cuba, con la diferencia de que la
victima es generalmente un cubano. Es cos-
-tumbre de los oficiales españoles torturar y
ultimamente asesinar á sus indefensos y
á menudo ~~inocentes~~ inocentes prisioneros en su tenta-
-tiva de arrancarles una deseada confesion
acriminandolos asi como á otros de alguna
ofensa imaginaria - "El Tesorero de la Junta
Benjamin J. Guerra, dijo -" El asesinato oficial
de sospechosos politicos en las prisiones cubanas
ocurre diariamente especialmente en las pobla-
-ciones del interior donde generalmente no hay
nadie que proteste por temor de participar
de la misma suerte - Yo se de varios casos
en que la unica protesta de los parientes de
las victimas era ó podia ser unirse á las fi-
-las de los patriotas para tratar de vengar
el salvaje asesinato - Pocas victimas, sinembargo

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100 PLIEGOS = 40 C.

N. 6.761.366 64.

tienen un enérgico Cónsul ó un valiente pe-
-riodista que haciendo pugo en caso lo pon-
-ga de manifiesto ante aquellos que tienen
el deber de protegerlos - Algunas personas en
este pais hablan de Creta y Armenia y de sus
atrocidades pero parecen ignorar el hecho de
que una horrible carniceria se está hacien-
-do á sus mismas puertas - Yo espero que ha-
-ya pronto mi cambio y que España des-
-cubra que si puede asesinar impunemente
á los cubanos, es llevar demasiado lejos las co-
-sas el desafiar la paciencia de un gran pue-
-blo que una vez levantado sabe obrar = Tra-
-ducido fielmente de su original, idioma in-
-glés, que certifico - Habana diez de Marzo
de mil ochocientos noventa y siete = El Inter-
-prete de Gobierno = Luis Feixedas = Fees = Ha-
-bana Cuba Febrero veinte y uno mil ochocien-

-tos noventa y siete. El Secretario de Estado Olney ha pedido aquí y en Madrid una com-
-pleta explicacion y pronta investigacion de la muerte del Dor. Ricardo Ruiz - El estado de la causa de Scott no ha variado. El Gene-
-ral De ha pedido que se le dén instruccio-
-nes para reclamar la libertad de todos los ciudadanos americanos que están presos en Cu-
-ba en circunstancias de ilegalidad análogas á las que caracterizan el caso de Ruiz - Es-
-tas instrucciones, que la más rudimentaria apreciacion de nuestro hónor nacional y de nuestro propio respeto, inspiraría á un por-
-tero ó mensajero del Departamento, tendrán que venir ó tendrán que enviar otro Con-
-sul General á la Habana - El General Fitz hugh Lee el descendiente de dos de los que firmaron la declaracion de Independencia no puede y no quiere (hablo con autoriza-
-cion) permitir que su nombre esté asocia-
-do con una política de ignominia y rendi-
-cion - Los siguientes son los nombres de los

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100 PLIEGOS=40 C.
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761. 56. 65.

presos americanos detenidos á despecho de los
derechos del tratado, en Cuba - Julio Sangui-
-ly detenido el nueve de Febrero de mil ocho-
-cientos noventa y cinco, acusado de rebelion,
fué jurgado el veinte de Noviembre de mil ocho-
-cientos noventa y cinco, se le halló culpable
y fué sentenciado á cadena perpétua. Apeló
y lo jurgaron por segunda vez y fué otra vez
sentenciado á cadena perpétua - Apeló de nue-
-vo pero las Autoridades Españolas no quieren
obrar - Sanguily hace dos años que está preso.
El Gobernador General dijo al General Lee
que no sabia lo que se haria con los presos
del Competitor. Ellos fueron jurgados en Con-
-sejo de Guerra el ocho de Mayo de mil ocho-
-cientos noventa y seis - De Madrid se man-
-dó que los jurgasen de nuevo pero la órden
no fué obedecida - La ultima communicacion

del Gobernador General fechada á principios de
Febrero, no daba esperanzas de que se les vol-
-viese á juzgar - Manuel Fernandez Cha-
-guillo hace siete meses que está en la Ca-
-baña. La ultima communicacion de las Auto-
-ridades Españolas sobre él, se recibió en Oc-
-tubre del año pasado. Ellos dicen que po-
-dian informar al General Lee si se le acu-
-saba de otra cosa además de rebelion - Geor-
-ge W. Aguirre cuya causa está pendiente
ante el Tribunal Civil de Jaruco, hace sie-
-te meses que está en la Cabaña - Charles
Scott fué detenido en Regla el nueve de
Febrero - No se sabe de que se le acusa. El
Consulado ha pedido informes sobre este caso
y nada definido se le ha contestado = José
Gonzalez hace tres meses que esta preso en
Pinar del Rio, no se le acusa aun de na-
-da. - F. J. Casamas, fué detenido en Sagua
la Grande, hace dos semanas: no hay acu-
-sacion aun contra él - Oscar Céspedes

SELLO 14º A. 1896 á 97
100 PLIEGOS=40 C
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.568

66.

hace cinco meses que está preso - no hay acusacion aun contra él = Frank J. Larrieu hace nueve meses que está en la Cárcel de Cárdenas - Esteban Vejero hace cinco meses que está preso en los Palos - Antonio Suarez del Valle hace cinco meses que está en la cár-cel de Remfuegos, y hay sin duda, muchos otros. Hay como treinta casos más de americanos presos cuyas causas hace tiem-po que estan pendientes y nunca han si-do juzgados, ó contra los cuales no se ha elevado ninguna acusacion - Debo manifes-tar que desde el dia de la detencion de Ruiz hasta el dia de su muerte en la Cár-cel, las Autoridades Españolas, aunque tenian los documentos de él, no se toma-ron la molestia de informar al General

Le de que un americano habia sido dete-
-nido, y il tuvo conocimiento de lo que
sucedia extra-oficialmente. Esto solo consti-
-tuye un grave quebrantamiento de las leyes
internacionales = Traducido fielmente de su
original, idioma inglés, que certifico Ha-
-bana diez de Marzo de mil ochocientos
noventa y siete = El Interprete de Gobier-
-no = Luis Freixedas = Don Antonio Ruiz
de Ugarrio = En la villa de Guanabacoa
á diez del mes de Marzo de mil ochocien-
-tos noventa y siete constituido el Sor. Juez
de Instruccion de esta villa en el local que
ocupa el Juzgado con asistencia del Secre-
-tario que suscribe, se hizo comparecer á
una persona de la raza blanca que mani-
-festó llamarse Antonio Ruiz de Ugarrio
El Juez de Instruccion le advirtió la
obligacion en que está de decir verdad y le
enteró de las penas con que el Código cas-
-tiga el delito de falso testimonio en causa

D. Antonio Ruiz Ugarrio 176

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100 PLIEGOS = 40 C.

JUZGADO DE PRIMERA INSTANCIA DE GUANABACOA

N. 6.761.563

-criminal y le recibió juramento que prestó en nombre de Dios y preguntado por los par-
-ticulares del artículo cuatrocientos treinta y seis de la Ley de Enjuiciamiento Criminal dijo: que se llama como queda consignado de ~~Cincuenta~~ y tres años, de estado casado, ve-
-cino de Palo Blanco treinta y cinco en esta villa, de profesion ni oficio empleado cesante que- conoce al procesado -y- las demás par-
-tes de cuyo nombre se le enteró y- tiene con ellos amistad, relaciones de- no ha estado pro-
-cesado y que- sabe leer y escribir- Acto se-
-guido y á las preguntas que le fueron he-
chas por el Señor Juez dijo: que es herma-
-no del difunto Don Ricardo Ruiz de Vega-
-rrio, teniendo además con residencia en esta villa en la calle de Cadenas número treinta una

hermana viuda llamada Doña Enriqueta:
que su difunto hermano fué detenido segun
cree recordar el dia cuatro de Febrero último
y no sabe que fuera objeto de malos tra-
-tamientos en su prision y sabe por ha-
-berselo dicho el Secretario de este Ayunta-
-miento que la muerte de su hermano fué
causada por un derrame cerebral: que du-
-rante el tiempo que su hermano estuvo
preso no fué á verlo porque sabia estaba
incomunicado y que con su dicho herma-
-no se hallaba en muy buenas relaciones-
no habiendo oido nada respecto á si la
muerte del mismo fué ó no violenta=
En este estado el Señor dió por terminado
el acto disponiendo se extendiera esta la
que leida fué firmada por el testigo des-
-pues que lo hizo Su Señoria- Lo certifico=
Vega= Antº Ruiz de Ugarrio= Anastasio
Arango= Hay un sello que dice Jefatu-

Oficio de
f 78

SELLO 14º Aº 1896 y 97

100 PLIEGOS=40 Cs

N. 6.761.570

68.

-ra de Policía Gubernativa de la Provincia de la Habana = Causa número cincuenta y uno = Contestando el atento oficio de V. S. fecha siete del actual tengo el gusto de manifestarle que en el vapor Séneca que salió de este puerto el día cuatro del mismo mes embarcó para New-York acompañada de cinco hijos Doña Rita Lerca viuda de Ruiz = Dios gue. á V. S. m.s a.s Habana Marzo nueve de mil ochocientos noventa y siete - P. A. El Secretario Joaquín A. Ballina = Sor. Juez de Primera Instancia de Guanabacoa = Consulado General de los Estados Unidos de América Habana = Señor Juez de Primera Instancia de Guanabacoa = Señor Juez = En contestación al atento oficio de V. S. fecha

Oficio de 7/3

cinco del corriente, en que me invita
V. S. á que me muestre parte en la cau-
-sa que se instruye en ese Juzgado para in-
-vestigar las causas que produjeron la muerte
al ciudadano americano Don Ricardo Ruiz
de Ybarrio, y en tal caso constituir mi re-
-presentacion por medio de Abogado y Procurador
tengo el honor de manifestarle, que no ha-
-biendo aun recibido las instrucciones necesa-
-rias de mi Gobierno para el empleo y hono-
-rarios de Abogado para intervenir en la in-
-vestigacion aludida, no me es posible contes-
-tarle de momento sobre el particular. Ten-
-dré sumo gusto en hacerlo tan pronto como
reciba las instrucciones de mi Gobierno, á
que doy cuenta de lo que interesa V. S. en
su oficio = Dios gue. á V. S. m.s a.s = Haba-
-na Marzo ocho de mil ochocientos noven-
-ta y siete = Fitz high Lee - Consul General
Hay un sello en seco que dice "Consulate
Generale" - Havana "Cuba" = Guanabacoa

Prod.os 3
Le f.80

SELLO 14º Aº 1896 y 97

100 PLIEGOS = 40 C.

N. 6.761.57. 69.

Marzo diez de mil ochocientos noventa y siete = A su causa las anteriores comunicaciones; procédase á la medición y descripcion de las bartolinas y galera "Santa María" de esta Cárcel, á cuyo fin cítese al Perito Don Francisco Fernandez Aleman para que en el dia de mañana tenga cumplimiento lo dispuesto. Lo proveyó y firma Su Señoría. Lo certifico = Vega = Anastasio Arango = Nota: Que se libró comunicacion para citar al Perito Don Francisco Fernandez Aleman. Lo certifico = Arango = En la villa de Guanabacoa á once de Marzo de mil ochocientos noventa y siete Su Señoría con asistencia del Secretario que suscribe y la de Don Francisco Fernandez Aleman, Perito Maestro

Diligencia para citar al perito 80

de Obras y estando constituido en la Cárcel
pública de esta villa se procedió por dicho
Perito á la medicion acordada en providen-
-cia del dia de ayer y como resultado de ella
y del exámen practicado en las bartolinas y en
la galera "Santa María" resulta que solo hay
en la Cárcel tres celdas destinadas á colocar
en ellas los presos incomunicados y las que
se conocen con el nombre de bartolinas que
cada una de dichas celdas mide cinco me-
-tros ochenta y siete centímetros de largo
por dos metros cuarenta y siete de ancho
y cinco metros sesenta y siete centímetros
de alto, cuyas medidas dán una capaci-
-dad ó cubicacion de ochenta y tres metros
sesenta y seis centímetros: que á cada una
de dichas bartolinas sirve de entrada una
puerta de madera que mide un metro
veinte y nueve centímetros de ancho por
tres metros de alto: que sobre cada una
de dichas puertas y para la ventilacion exis-

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100 PLIEGOS=40 C.

JUZGADO DE 1ª INST.ª DE GUANABACOA

N. 6.761.572 70.

-te una lucita ó ventana con cabillas de hierro que mide un metro veinte y nueve centimetros de ancho por cuarenta y nueve centimetros de alto: que el piso de las citadas bartolinas está mas elevado que el nivel que marca el corredor ó pasage en el que se encuentran y está formado con losas de Hamburgo excepto de zulaquelas que debido al suelo de poca-serpentina sobre que descansan no presentan vestigio alguno de humedad- En el muro del fondo de la bartolina del centro, se encuentra un hueco que dá al exterior del edificio y está defendido por barrotes de hierro y es de los conocidos con el nombre de ojo de buey, que mide en su diámetro mayor sesenta y siete centimetros y en el menor cuarenta y cinco centimetros = Que la Galera llamada Santa

Maria" se halla situada en el ala dere-
-cha del edificio y mide cinco metros se-
-senta y cinco centimetros de largo, cinco
metros ochenta y ocho centimetros de an-
-cho y cinco metros setenta y siete centi-
-metros de alto, cuyas medidas dan una
capacidad ó cubicacion de ciento noventa
y un metros sesenta y siete centimetros:
que la entrada de dicha galera se verifi-
-ca por una puerta de barras de hierro
que mide tres metros ochenta y tres cen-
-timetros de alto por dos metros de ancho
que en la pared del fondo de dicha
galera existe un hueco que dá al exte-
-rior del edificio, de la forma conocida
por ojo de buey y de iguales dimensio-
-nes al anteriormente descrito: que el piso
de la citada galera es de losas de Hambur
-go igual al de las bartolinas sin que ofre
-ca señal alguna de humedad y que tan

SELLO 14.º A.s 1896 y 97

100 PLIEGOS=40 C

JUZGADO DE 1ª INSTANCIA GUANABACOA

N. 6.761.573

-to en las tres bartolinas como en la gale-
-ra "Santa María" existe en todas sus pare-
-des un zócalo de más de un metro de altu-
-ra hecho con chapapote: y no habiendo otra
cosa que hacer constar dispuso Su Señoría
se extendiera la presente diligencia que de
conformidad la suscribe el Perito Don Fran-
-cisco Fernandez Aleman después que lo
hizo Su Señoría. Lo certifico = Vega = Fran.co
Fernandez Aleman = Anastasio Arango =
Plaza de la Habana = Año de mil ocho-
cientos noventa y siete = Testimonio de
las diligencias prévias formadas con mo-
-tivo del fallecimiento en la cárcel de
Guanabacoa del súbdito americano Don
Ricardo Ruiz Ugarrio = Dió princi-

Testimonio de folio 83

-pio el veinte y tres de Febrero de mil ocho-
-cientos noventa y siete = Juez Instructor-
El Coronel de Infantería D. Rafael Ala-
-mo y Castillo - Secretario - El Primer
Teniente de Infantería Don Eusebio Rubio
Martines = Don Eusebio Rubio y Marti-
-nez, Primer Teniente de Infantería, Secreta-
-rio de causas de la Capitanía General de la
Isla de Cuba y del expediente instruido en
averiguación de las causas que produjeron
la muerte del súbdito norte-americano Don
Ricardo Ruiz Ugarrio, del que es Juez Ins-
-tructor el Coronel de Infantería, Juez de
la referida Capitanía General Don Rafael
Alamo y Castillo = Certifico: que al folio
primero y siguientes del referido expediente
hay un oficio que copiado á la letra dice:
Oficio del E. S. Capn Gral = "Hay un mem-
-brete que dice = Ejército de la Isla de Cuba-
Capitanía General- Estado Mayor = Seccion

72.

N. 6.761.574

SELLO 14ª 1896 y 97

100 PLIEGOS=40 C.

JUZGADO DE PRIMERA INSTANCIA DE GUANABACOA

quinta = El Consul General de los Estados Unidos en esta Plaza, con esta fecha me dice = Escmo. Sor. = Tengo el honor de poner en conocimiento de V. E. que Mr. Ricardo Reiss ciudadano americano, inscripto como tal en este Consulado General en el año de mil ochocientos ochenta, era graduado del Colegio dental de Pensylvania, E. U. en Philadelphia en cuya ciudad residió cinco años, que fué preso en Guanabacoa en la mañana del dia cuatro del corriente y segun mis noticias fué arrojado y encerrado en una bartolina pequeña y oscura de la Carcel de Guanabacoa, cuyas dimensiones son de tres ó cuatro piés de ancho por cinco ó seis de fondo, sin haber en dicha bartolina nada, excepto el áspero piso de piedra y las paredes: que se le negó

á la esposa del Señor Ruiz permiso para
mandarle un catre ó hamaca, á fin de
evitar durmiese el preso en el suelo, no con-
-siguiendo la esposa sinó á fuerza de re-
-petidas instancias más que permiso para
enviarle un pillow: que el preso no se
hallaba enfermo antes de ser encerrado en la
bartolina, al contrario, se le conocia como
hombre de constitucion atlética y de ro-
-busta naturaleza: que falleció en dicha
bartolina despues de trescientas quince ho-
-ras de incomunicacion: que aunque se oian
sus gritos desde dos ó tres dias antes de mo-
-rir, no se le hizo caso: que no se limpió
la bartolina hasta la víspera del dia que
falleció; que aunque al fin se llamó á un
médico para que lo viera ninguno otro cui-
-dado se tuvo con el Sor. Ruiz, hasta que
se le encontró muerto á la una de la tar-
-de del dia diez y siete del actual - El Dr.
Burgess Inspector de Sanidad de los Estados

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100 PLIEGOS=40 C

...NCIA DE GUANABACOA

73.

N. 6.761.575

Unidos, en este Puerto, estuvo presente en la autopsia que se le practicó al cadáver y manifiesta que la muerte de Ruiz, fué producida por una congestion cerebral, y que en la parte superior de la cabeza tenía una contusion, resultado de golpes, que aunque no le fracturaron el cráneo, eran bastantes para ocasionarle la congestion cerebral, que á su vez le produjo la muerte - El Gobierno de los Estados Unidos me instruye llame la atencion de V. E. á estos hechos y que exija una inmediata investigacion oficial de estos sucesos del resultado del cual se me encarga dé cuenta al Ministro de Estado de Washington - Lo que traslado á V. S. para que con el Oficial Secretario que tiene designado, proceda sin levantar mano á la formacion de diligencias previas, quedando anotadas al número

siete mil cincuenta para depurar la na-
-turaleza de los hechos denunciados, en la in-
-teligencia que ordeno se facilite á V. S. sin
pérdida de tiempo todos los datos que nece-
-sitare, tanto de la causa en que se hallaba
encartado el Ricardo Ruiz como de las Auto-
-ridades de Guanabacoa - Dios gue. á V. S.
ms. as. - Habana veinte y dos de Febrero de
mil ochocientos noventa y siete - P. A. - El
Gral. segundo Cabo enc.o del desp.o = Ahuma-
-da = Rubricado = Sr. Coronel Juez Instruc-
-tor - Don Rafael Alamo Castillo = Del
mismo modo certifico: que al fólio cinco
del mismo expediente hay un acta de ju-
-ramento de Secretario que dice asi = Acep-
-tacion y juramento de Secretario = Don Ra-
-fael Alamo y Castillo - Coronel de Infan-
-teria - Juez Instructor permanente de la
Capitania General de la Isla de Cuba = Cer-
-tifico: que en virtud del oficio que ante-
-cede del Excmo. Sr. Capitan General, nom-
-brando Secretario para que como tal actúe
en este expediente al Primer Teniente de Infan-

SELLO 14º Aº 1896 y 97

100 PLIEGOS=40 C.

N. 6.761.576 74.

-teria Don Eusebio Rubio y Martinez hice comparecer á mi presencia al referido Oficial el que enterado del cargo para que habia sido nombrado, manifestó no tener motivo alguno de incompatibilidad pres-tando juramento con arreglo á su clase de desempeñarlo fiel y cumplidamente con arreglo á la Ley - Y para que conste lo firma conmigo en la Habana á veinti-tres de Febrero de mil ochocientos noven-ta y siete - Rafael Alamo = Rubricado = Eusebio Rubio = Rubricado = Del mismo modo certifico: Que al folio cinco vuelta del mismo expediente hay una diligencia que dice así. = Diligencia pidiendo dos Médicos Militares = En la Habana á veinti-tres de Febrero de mil ochocientos noven-ta y siete, el Señor Instructor pasó oficio

al Excmo. Señor Inspector de Sanidad
Militar de esta Isla rogandole que in-
-mediatamente designe dos médicos mi-
-litares, con el fin de que se presenten
sin pérdida de momento en este Juzgado
con el fin de acompañarle á practicar
un reconocimiento. Conste y certifico =
Rafael Alamo = Rubricado = Eusebio Ru-
-bio = Rubricado = Del mismo modo
certifico: que al folio cinco vuelto de di-
-cho expediente, hay una diligencia que
copiada, dice así: = Comparecencia de dos
médicos Militares = En la Habana á vein-
-titres de Febrero de mil ochocientos no-
-venta y siete comparecieron ante el Se-
-ñor Instructor y de mi el Secretario los
médicos primeros de Sanidad Militar Don
José Fernandez Salvador, que presta sus
servicios en el Hospital de Madera de es-
-ta Capital y Don Saturio Escudero Cu-
-eso que presta sus servicios en el Hospi
-tal de Regla, manifestando que por orden

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100 PLIEGOS=40 C

N 6.761 57. 35.

verbal del Excelentísimo Señor Inspector del Cuerpo en esta Isla, se les había ordenado se presentasen en este Juzgado para practicar las diligencias que fueran necesarias. Conste y certifico= Alamo = Rubricado = Eusebio Rubio = Rubricado= Del mismo modo certifico: que al folio seis de dicho expediente hay una diligencia que copiada á la letra, dice así: = Diligencia de trasladarse el Juzgado á Guanabacoa= En la Habana á veintitres de Febrero de mil ochocientos noventa y siete el Señor Instructor acompañado de mí el Secretario y los dos médicos primeros nombrados por la Superioridad, se trasladó á Guanabacoa, con el fin de practicar las diligencias que sean necesarias. Conste y certifico = Alamo = Rubricado = Eusebio Rubio = Rubricado = Del mismo modo certifico que al folio

seis y siguientes de dicho expediente hay una declaracion que copiada á la letra, dice así= Declaracion del Comte Militar de Guanabacoa En Guanabacoa á veinte y tres de Febrero de mil ochocientos noventa y siete, compareció prévia citacion el testigo del márgen, al que el Señor Instructor previno que iba á recibirle declaracion; de la obligacion de decir verdad y penas que incurre el reo de falso testimonio, tomandole juramento con arreglo á su clase, por el que prometió decir verdad, en cuanto supiese y fuese preguntado dijo interrogado y siendolo á tenor de las generales de la Ley, dijo: llamarse Don Narciso Fonsdeviela Jimenes, natural de Barcelona, de cuarenta y siete años, viudo y que es Teniente Coronel de Infantería - Comandante Militar de Guanabacoa = Preguntado - Sírvase manifestar que dia fué preso en esta Plaza el súbdito norte-americano, Don Ricardo

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100 PLIEGOS=40 C.

N. 6.761.578

76.

Ruiz, por qué motivo, que dia falleció, con cuantos datos pueda suministrar sobre este asunto, dijo: que el pibdito norte-americano Don Ricardo Ruiz fué preso á peti-cion del Juez Instructor, Señor Capitan Don Francisco de Rosa, por complicacion en los su-cesos del asalto del tren á Guanabacoa, se-gun escrito del mismo de treinta de Enero último el cual transcribí á orden públi-co y Alcalde Municipal de esta Villa, cu-ya Autoridad, con fecha cuatro de Febrero me comunicó quedar en la Cárcel en clase de incomunicado y á disposicion del nom-brado Juez Instructor. Que segun me co-municó de palabra el Señor Alcalde Muni-cipal el pibdito americano Don Ricardo Ruiz, el dia quince de Febrero atentó con-tra su vida, tratando de dar con la cabe-

-za contra la pared, y en un estado de exci-
-tacion muy grande, por lo que aunque
no temia intervencion directa en el asunto
llamé al Juez Instructor y dispuse que por
un facultativo fuese asistido, dandome par-
-te despues de verificado, que su estado solo
obedecia á una gran excitacion nerviosa, la
cual se corrigió; previos los oportunos recur-
-sos de la Ciencia: que el dia diez y siete
por la tarde, el mismo Señor Alcalde me
communicó de palabra habia fallecido el
subdito americano Don Ricardo Ruiz co-
-mo resultas de congestion cerebral: que tan
luego tuve de ello conocimiento di cuenta
por telegrafo al Excelentisimo Señor Coman-
-dante en Jefe del Cuerpo de Occidente, quien
en telegrama del dia siguiente me ordenó que
de acuerdo con el Alcalde Municipal dispu-
-siese que el cadaver de dicho subdito fuese
puesto inmediatamente á disposicion del Cón-
-sul Americano, ó persona por él designada

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100 PLIEGOS=40 C.

N. 6.761.572

que habiendo contestado al Excelentisimo Sor. Comandante en Jefe, que dicha causa se encontraba en poder del Juez de Primera Instancia de ésta por inhibicion del Juzgado de Guerra, ordenó á dicha autoridad en la misma forma ya declarada. Que sobre las cuatro de la tarde, mejor dicho, á eso de las tres, se presentó el Consul General de los Estados Unidos acompañado del Doctor Mister Daniel Burgess y de un intérprete que -nos me manifestaron venian al objeto de hacerse cargo del cadáver referido. Habiendo expuesto el que declara que no se habia procedido á la autopsia como es en estos casos de rúbrica, se veia en la necesidad de consultar al Comandante en Jefe acerca de si se entregaba ó nó sin este requisito, á menos

que prévia conformidad de dicho Consul se
practicase dicha autopsia, para lo cual fue-
ron invitados á presenciarla, con objeto de
aportar al sumario mas luz que habiendo
dichos Señores estado conformes en presenciar
dicha autopsia, marcharon dichos Señores
con el Juez de Instruccion, Señor Alcalde Mu-
-nicipal, á la Carcel, donde se encontraba
dicho cadáver que despues he sabido se
trasladó el cadáver á la Casa de Socorro don-
-de se le practicó la enunciada diligencia, ocu-
-rriendo el incidente de excusarse de firmar el
acta ó declaracion á pretexto que se les mar-
-chaba el tren, firmandola los demás presen-
-tes: y, segun le manifestaron, una vez ter-
-minado el acto. = Preguntado: Manifieste
que trato recibió el subdito americano D. Ri-
-cardo Ruiz, el tiempo que permaneció en la
prision, dijo: que lo ignora, por cuanto
se limitó á entenderse de oficio en todos los
trámites de dicho Ruiz; pero desde luego pue

N. 6.761.580

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100 PLIEGOS=40 C

-de asegurar que el trato fuese bueno, en aten-
-cion á que de haber tenido el menor conoci-
-miento de alguna queja hubiera providencia-
-do inmediatamente sobre ella - Que no tiene
mas que decir, que lo dicho es la verdad á
cargo del juramento prestado en la que se a-
-firmó y ratificó despues de leer por sí su
declaracion que firma con el Señor Instruc-
-tor y Secretario que certifico = Rafael Alamo=
Rubricado = Narciso de Fonsdeviela = Rubricado
Eusebio Rubio = Rubricado = Igualmente certi-
-fico: que al fólio ocho vuelto de dicho expe-
-diente hay una declaracion del Alcalde Mu-
-nicipal de Guanabacoa, que copiada á la letra
dice asi: = Declaracion del Alcalde Municipal
de Guanabacoa = En Guanabacoa á veintitres
de Febrero de mil ochocientos noventa y siete
compareció prévia citacion el testigo del margen

al que el Señor Instructor previno que iba
á recibirle declaracion, de la obligacion de de-
-cir verdad y penas en que incurre el reo
de falso testimonio, tomandole juramento
con arreglo á su clase, por el que prometió
decir verdad en cuanto supiese y fuese inte-
-rrogado y siendolo á tenor de las generales
de la Ley dijo: llamarse Don Pablo Maruri
de la Portilla, natural de Jubayan (Santander)
de treinta y ocho años, casado, propietario y
actualmente Alcalde Municipal de Guanaba-
-coa = Preguntado: Si el dia quince del co-
-rriente dió conocimiento á alguna Autori-
-dad de que el súbdito norte-americano Don
Ricardo Ruiz que se hallaba preso habia a-
-tentado contra su vida y caso afirmativo di
-ga cuanto sepa sobre el particular, dijo: que
efectivamente el dia que se le cita, dió conoci-
-miento al Señor Comandante Militar de esta
localidad que segun oficio que habia recibido
del Alcaide de la Carcel, el súbdito norte-

SELLO 14ª A. 1896 y 97
100 PLIEGOS=40 C.
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.58/79.

-americano Dor. Ricardo Ponz, que se ha-
-llaba preso en aquel establecimiento habia aten-
-tado contra su vida, no interviniendo más el
declarante sobre este asunto, por cuanto el pre-
-so de referencia, estaba sujeto á la Autori-
-dad judicial - Que no tiene más que decir,
que lo dicho es la verdad á cargo del jura-
-mento prestado, en lo que se afirmó y rati-
-ficó despues de leer por si su declaracion que
firma con el Señor Instructor y Secretario
que certifico = Rafael Alamo = Rubricado =
Pablo Marmi = Rubricado = Eusebio Rubio =
Rubricado = Igualmente certifico: que al fo-
-lio nueve vuelto de dicho expediente, hay
una declaracion que copiada á la letra dice
asi = Declaracion del Alcaide de la Cárcel de
Guanabacoa = En Guanabacoa á veintitres

de Febrero de mil ochocientos noventa y siete, compareció prévia citación, el testigo del márgen, al que el Señor Instructor previ-no que iba á recibirle declaración, de la obli-gación de decir verdad y penas en que incurre el reo de falso testimonio, tomandole juramento con arreglo á su clase, por el que prometió decir verdad en cuanto supiere y fuere inte-rrogado y siendolo á tenor de las generales de la Ley, dijo: llamarse Don Fermin Tomas Izquierdo, natural de Manzanera (Teruel) de cuarenta y siete años, casado y Alcaide en pro-piedad de la Carcel de Gilarabacoa.- Pregun-tado; Diga si ha tenido preso en la Carcel de este pueblo al subdito norte-americano D. Ricardo Ruiz, que trato se le ha dado y si pretendió dicho sujeto atentar contra su vida, dijo: que efectivamente, que el dia cuatro del corriente ingresó en dicho Esta-blecimiento D. Ricardo Ruiz Ugarrio por disposicion del Ilustrisimo Sor. Alcalde Mun

N. 6.761.582

80.

-cipal, en clase de incomunicado, sin expre-
-sion de causa y á disposicion del Sor. Juez
Militar Capitan Don Francisco de la Rosa.
que durante su estancia en el mismo se le
trató con todas las consideraciones debidas co-
-mo puede probar con los empleados de la
misma, Don Antonio Novoa, Clavero, Don
Primitivo Blanco, Brigada y demás Escoltas
de la Cárcel asi como los presos inmediatos
al local donde falleció, llamados Don Severino
Almeyda, Don Alfredo Ramos y Don Liborio
Escandel Piedra, y sin citar nombres con
todos los demás de la Cárcel - Que el citado
Reniz hallandose en la bartolina, atentó
contra su vida conforme tuve el honor de
dar cuenta á las Autoridades, valiendose
para ello, toda vez que parecia de instru-

de Febrero de mil ochocientos noventa y siete, compareció prévia citación, el testigo del margen, al que el Señor Instructor previ-no que iba á recibirle declaracion, de la obli-gacion de decir verdad y penas en que incurre el reo de falso testimonio, tomandole juramento con arreglo á su clase, por el que prometió decir verdad en cuanto supiere y fuere inte-rrogado y siendolo á tenor de las generales de la Ley, dijo: llamarse Don Fermin Fornais Izquierdo, natural de Manzanera (Teruel) de cuarenta y siete años, casado y Alcaide en pro-piedad de la Carcel de Silanabacoa.- Pregun-tado: Diga si ha tenido preso en la Carcel de este pueblo al subdito norte-americano D. Ricardo Ruiz, que trato se le ha dado y si pretendió dicho sujeto atentar contra su vida, dijo: que efectivamente, que el dia cuatro del corriente ingresó en dicho Esta-blecimiento D. Ricardo Ruiz Ugarrio por disposicion del Ilustrisimo Sor. Alcalde Muni-

SELLO 14ª A. 1896 y 97

100 PLIEGOS=40 Cs

N. 6.761.582

80.

-cipal, en clase de incomunicado, sin expre-
-sion de causa y á disposicion del Sor. Juez
Militar Capitan Don Francisco de la Rosa.
que durante su estancia en el mismo se le
trató con todas las consideraciones debidas co-
-mo puede probar con los empleados de la
misma, Don Antonio Novoa, Clavero, Don
Primitivo Blanco, Brigada y demás Escoltas
de la Cárcel asi como los presos inmediatos
al local donde falleció, llamados Don Severino
Almeyda, Don Alfredo Ramos y Don Laborio
Escandel Piedra, y sin citar nombres con
todos los demás de la Cárcel - Que el citado
Ruiz hallandose en la bartolina, atentó
contra su vida conforme tuve el honor de
dar cuenta á las Autoridades, valiendose
para ello, toda vez que carecia de instru-

-mento apropósito de dar con su cabeza
en la puerta de la citada bartolina, que
está forrada de hierro, circunstancia que no
pudo evitarse de momento, puesto que aun-
-que llegó el Clavero, á los pocos segundos ya
aquel se había causado el golpe en la cabe-
-za el cual acto seguido hice reconocer por
el Señor Facultativo de esta villa Don Francisco
Vidal. Este Señor le recetó una cucharada de
bromuro cada dos horas: que al llegar á las
ocho de la noche de este día, hora designada pa-
-ra la requisa y recuento por el declarante
y temiendo volviese á atentar contra su vida,
durante la noche, creyó conveniente trasladar-
-lo á la galera "Santa María, que en vez de
puerta tiene una reja, por la que es más fá-
-cil ejercer la vigilancia el centinela, así co-
-mo por distraer al paciente, al ver el alum-
-brado del patio y transitar á las personas,
en esta galera, el diez y siete, á las once y

SELLO 14º A. 1896 y 97

100 PLIEGOS=40 C

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.583 $/.

media del dia, embistió con la cabeza á dar contra la reja, cuyo golpe pudo evitar parandole con las manos el preso Amador Reyes que á la sazon pasaba por allí: que en este instante me constituí en la galera al tener conocimiento acompañado de varios empleados y del preso Don Ciriaco Arango inteligente en medicina, por haber cursado esta, á fin de facilitarle los primeros auxilios mientras se daba conocimiento al facultativo forense: que al Ruiz le atacó en estos momentos un sincope que le duraría media hora proximamente, en el cual falleció sin pronunciar otras palabras que las incoherentes de sus hijos = Preguntado: Manifieste las condiciones de las dos habitaciones en que estuvo encerrado el súbdito americano Don Ricardo Ruiz si se le negó lo necesario para su descanso, y si es cierto que á pesar de sus gritos dos ó tres dias

antes de su fallecimiento no se le atendió; dijo
que las dos habitaciones á que se refiere la pre-
-gunta tienen bastante capacidad con un pue-
-tal de cuatro y medio á cinco metros de al-
-tura, limpias y aseadas, por cuanto diariamen-
-te es costumbre el hacer la limpieza en toda
clase de aposentos de este establecimiento: que
sobre la cuestion de la cama no es costumbre
facilitarla mientras dura la incomunicacion
aun suponiendo que el procesado desee pagarla
como gala de distincion, pero que atendiendo
á su estado y á las públicas de los amigos del
Señor Ruiz como por Don Ramon Sabadi y
Don Rafael Galindo escribano del Juzgado de
Instruccion de esta villa, le permitió entrar en
la bartolina un sillon de extension donde po-
-dia descansar perfectamente, como la ropa
de cama y almohadas, que en persona le llevó
dicho Escribano: que no es cierto diese ningu-
-na clase de gritos, antes al contrario, el que
declara, al notar en el Ruiz la citada excita-

SELLO 14º A. 1896-97

100 PLIEGOS=40 C.

N. 6.761.584 82.

-cion nerviosa que padecia se apresuró á lla-
-mar expontaneamente al Médico para que le
facilitara los auxilios de la ciencia y que se
le administró puntualmente cuando se le recetó
por el practicante de la misma Don Laureano
Fernandez: que no tiene más que decir; que
lo dicho es la verdad á cargo del juramento
prestado en lo que se afirmó y ratificó des-
-pues de leer por sí su declaracion que firma
con el Señor Instructor y Secretario que certi-
-fico = Rafael Alamo = Rubricado = Fermin
Fomás = Rubricado = Eusebio Rubio = Rubricado =
Igualmente certifico: que al folio once vuel-
-to hay una declaracion que copiada dice asi =
Declaracion del médico forense = En Guana-
-bacoa á veintitres de Febrero de mil ochocien
-tos noventa y siete, compareció prévia citacion

el testigo del márgen al que el Señor Instruc-
-tor previno que iba á recibirle declaracion,
de la obligacion de decir verdad y penas en que
incurre el reo de falso testimonio, tomandole
juramento con arreglo á su clase por el que pro-
-metió decir verdad en cuanto supiese y fuese
interrogado y siendolo á tenor de las generales
de la Ley, dijo: llamarse Don Francisco Vidal y
Alvarado, natural de esta villa, de cuarenta
y dos años, casado y médico municipal y fo.
-rense de este término = Preguntado: si conoció
al ciudadano norte-americano Don Ricardo
Ruiz y si estando éste preso en la Carcel de
esta villa fué llamado para asistirle y porque
motivo se solicitó su asistencia, dijo: que so.
-lo le conoció de vista y que fué llamado pa.
-ra asistirle sin poder precisar realmente la
fecha pero que fué del quince al diez y seis
del corriente, habiendo observado en él una gran
excitacion nerviosa y por la que, segun ma.
-nifestacion que el me hizo hubo de darse un

SELLO 14ª A. 1896 y 97
100 PLIEGOS = 40 C
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6761.58[illegible] 83.

golpe en la cabeza contra la puerta de la pri
-sion y por cuyo motivo le examiné minuciosa
-mente, encontrando una erosion, situada en el
vértice, region bi-parietal que solo interesaba la
epidermis, de caracter leve, salvo accidente y de
cuya lesion dió conocimiento al Señor Juez
de Instruccion de esta villa: con motivo de
la excitacion nerviosa y á fin de dominarla
le prescribió una pocion, que si mal no recuer
-da era la siguiente: = bromuro de potasio, dos gra
-mos = hidrato de cloral, cuatro = extracto de acuoso
-mos = hidrato de cloral, cuatro = extracto de acuoso
mpuesto, cinco centigramos = agua edulcorada, ciento
veinte gramos; á tomar una cucharada grande
cada hora, hasta tanto se dominaran aquellos
fenomenos de excitacion nerviosa, para despues
continuarlos cada dos horas: que el dia diez y
siete del corriente fué llamado nuevamente
para asistirle en la nueva repeticion del ata.

-que, en el cual no hubo lugar de prestarle auxilio por encontrarlo en estado cadaverico: que no tiene mas que decir; que lo dicho es la verdad á cargo del juramento prestado, en lo que se afirmó y ratificó despues de leer por si su declaracion que firma con el Señor Instructor y Secretario que certifico = Rafael Alamo = Rubricado = Francisco Vidal = Rubricado = Eusebio Rubio = Rubricado = Igualmente certifico = que al folio trece de dicho expediente hay una diligencia que copiada dice así = Diligencia de pasar un oficio al Capitan Instructor Don Francisco de la Rosa = En Guanabacoa á veintitres de Febrero de mil ochocientos noventa y siete el Señor Juez Instructor pasó oficio al Capitan de Infantería, Juez Instructor, Don Francisco de la Rosa preguntandole cuanto tiempo estuvo incomunicado el subdito norte-americano Don Ricardo Ruiz, toda vez que fué el Juez Instructor que entendió en la causa que motivó su detencion. Conste y certifico = Alamo =

SELLO 14ª A. 1896 Y 97

100 PLIEGOS=40 Cs

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.586

84

Rubricado = Eusebio Rubio = Rubricado. =

Igualmente certifico: que al folio trece de estas diligencias hay una declaracion que co-piada, dice asi = En Guanabacoa á veinti-tres de Febrero de mil ochocientos noventa y siete, comparecieron, previa citacion, los medi-cos anotados al margen, á quienes el Señor Instructor enteró del objeto de su comparecen-cia, de la obligacion que tienen de decir verdad y de las penas en que incurrian caso de come-ter falso testimonio, enseguida les recibió ju-ramento en forma legal por el que prome-tieron decir verdad en cuanto supiesen y fue-sen interrogados y siendolo á tenor de las ge-nerales de la Ley, dijeron, el primero que se lla-ma Don José Martinez Castillon, mayor de edad, casado, natural de Grado (Oviedo) y que

es Médico Director de la Plaza de Guanaba-
-coa y el segundo que se llama Don Francisco
Viddl y Alvarado, mayor de edad, casado, natu-
-ral de esta villa de la que es Médico Munici-
-pal = Preguntados: si por disposicion del Juz-
-gado de Instruccion de esta villa practicaron
el dia diez y ocho del corriente la autopsia
en el cadáver del subdito norte-americano D.
Ricardo Ruiz Ugarrio y caso afirmativo ma-
-nifiesten con arreglo á su leal saber y en-
-tender, que causas le produjeron la muerte:
si presentaba alguna contusion ó herida en
la cabeza y si ésta pudo ser causa bastante
para producir el fallecimiento de dicha per-
-sona, dijeron: que por disposicion del Sor.
Juez de Instruccion de este partido judicial
se personaron en la Casa de Socorro de esta
villa á practicar la autopsia de un in-
-dividuo que dijeron se llamaba Ricardo
Ruiz Ugarrio, como de cuarenta y seis años
de edad, poco más ó menos el cual decian ser
ciudadano americano, cuyo individuo se ha

SELLO 14ª A.ª 1896 á 97
100 PLIEGOS=40 C.
...NCIA DE GUANABACOA

N. 6.761.587. 85.

-llaba tendido encima de la mesa de opera-
-ciones de la mencionada Casa de Socorros, pro-
-cediendo inmediatamente al examen del hai-
-bito exterior despues de haberlo despojado de
todas las vestiduras que tenia: de dicho reco-
-nocimiento no se observó mas que una ero-
-sion en el vertice de la cabeza como de un centi-
-metro poco mas ó menos de extension que so-
-lo interesaba las primeras capas epidérmicas:
acto seguido se procedió á abrir las tres
cavidades, empezando por el cráneo, en cuyo
punto ó dentro de cuya cavidad se obser-
-vaba una fuerte congestion de alta im-
-portancia, con manifestacion de hemorragia
en cuya cavidad se veian invadidos por la
mencionada congestion todos los vasos que
á ella van á parar, por cuyo motivo creen
los declarantes que la muerte del mencionado

individuo ha sido producida por congestion
cerebral con hemorragia: que la erosion obser-
-vada en el vértice de la cabeza, que era solo
superficial y que en nada afectaba ni á la
tabla externa ni al diclol ni tabla interna
que se encontraba perfectamente blanca y lim-
-pia en nada tiene que ver con los fenomenos
anotomo-patológicos observados en la masa
cerebral, que de ser asi hubieran tenido un
limite marcado en relacion con la lesion ex-
-terior - La lesion arriba mencionada y la cons-
-titucion atletica y robusta del individuo tes-
-tifican claramente que por la primera ósea
la lesion observada exteriormente nada hay
que decir, puesto que era solamente superfi-
-cial: y por la segunda ó sea la constitucion
individual del sujeto es por todos conside-
-rada como causa suficiente para determinar
por si sola la congestion. Inmediatamente
se procedió á abrir las cavidades toracica y
abdominal no hallando en dichas cavidades,

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 14ª A. 1896 Y 97
100 PLIEGOS=40 C

N. 6.761.588

nada que merezca mencionarse, á excepcion del músculo cardiaco que se encontraba aumentado de volumen como acontece con los individuos bien constituidos - Todas estas observaciones se han hecho á presencia del Doctor Burgess, que acompañaba á Mister Le, Consul de los Estados Unidos - Que no tienen más que decir, que lo dicho es la verdad á cargo del juramento prestado, en lo que se afirmaron y ratificaron despues de leer su declaracion que firmaron con el Señor Instructor y Secretario que certifico= Rafael Alamo= Rubricado = José Martinez= Rubricado = Francisco Vidal = Rubricado = Eusebio Rubio = Rubricado = Igualmente certifico que al folio quince vuelto de dicho expediente hay una diligencia que copiada dice así: = Diligencia de reconocimiento de las habitaciones ocupadas por Don

Ricardo Ruiz en la Cárcel de Guanabacoa=

En Guanabacoa á veintitres de Febrero de mil
ochocientos noventa y siete, el Señor Instructor
acompañado del Señor Alcálde de esta villa
Don Pablo Maruri y de mí el Secretario se
trasladó á la Cárcel pública de la misma
con el fin de practicar un reconocimiento pe-
-ricial en las ~~habitaciones~~ habitaciones ocupadas durante
su prisión por el súbdito norte-americano
Don Ricardo Ruiz Ugarrio. En dicho pun-
-to y previamente citados comparecieron los
Médicos Militares Don José Fernandez Salvador
y Don Saturio Escudero Preciso á quienes dicho
Sor expuso el objeto de esta diligencia y to-
-mó juramento en forma legal por el que pro-
-metieron decir verdad en cuanto supiesen y
fueren preguntados y siendolo á tenor de las
generales de la Ley, dijeron, el primero: que se
llama Don José Fernandez Salvador, mayor de
edad, casado, natural de Madrid, Médico pri-
-mero del Cuerpo de Sanidad Militar con des-
-tino en el Hospital de Madera de la Habana

SELLO 14ª A.ª 1896 y 97
100 PLIEGOS=40 C.
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.589 87.

y el segundo que se llama Don Saturio Escu-
-dero Enciso, mayor de edad, soltero, natural
de Burgo de Osma (Soria) y que tambien es
Médico Primero de Sanidad Militar con
destino en el Hospital de Regla = Pregunta-
-dos: habiendoles ordenado el Señor Instruc-
-tor que reconozcan las dos habitaciones en
que estuvo preso el subdito norte-americano
-no Don Ricardo Reniz que fueron designa-
-das por el Sor. Alcalde que estaba presente
al acto; digan cuales son sus condiciones hi-
-gienicas y si son apropósito para que pue-
-da permanecer en ellas, algun tiempo un in-
-dividuo sin perjuicio de su salud: dijeron
que la bartolina ó calabozo, que se encuen-
-tra el primero, á la derecha, entrando en este
edificio, es una habitacion de forma rectangular
cuyas dimensiones, salvo ligero error, son cinco

metros noventa centimetros de altura, dos cin-
-cuenta de anchura y cinco ochenta y cinco de
longitud: que tiene una puerta de madera
enchapada interiormente de hierro y sobre ella
una ventana con reja de un metro diez centí-
-metros de ancho por cuarenta y cinco centime-
-tros de alto: que el piso, en el que no se apre-
-cian señales de humedad, es de ladrillo, cuyas
uniones están cogidas con un material apro-
-pósito y en perfecto estado de limpieza: que
las paredes revestidas de cal, tienen un zoco
de color negro inmediato al piso, de más de
un metro de altura formado por una ma-
-teria bituminosa en cuya composicion debe
entrar la brea de hulla, conocida por el nom-
-bre de chapapote; esta habitacion puede ser
utilizada para albergar un preso durante cier-
-to tiempo y máxime teniendo en cuenta
que la puerta se abria diariamente varias ve-
-ces, ya para hacer la limpieza cotidianas ya
para introducir las comidas, café, etcetera-

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100 PLIEGOS=40 C

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ANCIA DE GUANABACOA

La segunda habitacion denominada Santa
María que se les ha mostrado tiene cinco
metros sesenta y cuatro centimetros de ancho
cinco ochenta y nueve de largo y cinco ochenta
y seis de alto. salvo ligero error - Esta ha-
-bitacion tiene una reja que le sirve de en-
-trada de tres metros sesenta y tres centime-
-tros de elevacion por dos de anchura y ade-
-más tiene otra pequeña reja de forma oval
en la pared opuesta á la entrada - El suelo
paredes y techo son análogos á los del calabo-
-zo anteriormente descripto - Esta habitacion
dado el benigno clima de Cuba, reune condi-
-ciones aceptables para el alojamiento de un
preso en las condiciones aconsejadas para la
permanencia no indefinida en esta clase de
establecimientos - Que no tienen más que
decir, que lo dicho es la verdad á cargo del ju-

-ramento prestado, en lo que se afirmaron y ratificaron, despues de leer su declaracion, hacien-do constar que una vez señaladas las habita-ciones ocupadas por el preso se retiraron el Sor. Alcalde Municipal y el Señor Alcalde de la Ca-cel, firmandola con el Señor Instructor y Se-cretario que certifico = Rafael Alamo = Ru-bricado = José Fernandez = Rubricado = Saturio Escudero = Rubricado = Eusebio Rubio = Rubri-cado = Del mismo modo certifico, que al folio diez y siete vuelto de dicho expediente hay una declaracion que copiada á la letra dice así = Declaracion del llavero de la Carcel Don Antonio Novoa Mouso = En Guaraba-coa á veintitres de Febrero de mil ochocientos noventa y siete, compareció, previa citacion el testigo del márgen, al que el Señor Instruc-tor previno que iba á recibirle declaracion de la obligacion de decir verdad y penas en que incurre el reo de falso testimonio, tomandole juramento con arreglo á su clase por el que

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100 PLIEGOS = 40 C.
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 6.761.59: 89.

prometió decir verdad en cuanto supiere y fuere interrogado y siendolo por las generales de la Ley dijo llamarse Don Antonio Novoa Mouro, natural de Graces (Orense) de treinta años, soltero, y que es Llavero de la Cárcel de esta villa = Preguntado: conveniente por el Juzgado, dijo: que conoció en esta Carcel al preso D. Ricardo Ruiz Ugarrio sobredito norte-americano el cual estuvo preso é incomunicado, en un principio en la primera bartolina que se encuentra, entrando en el edificio á mano derecha - Que se tuvo con este sujeto todos los cuidados que se tienen con los demás presos sin desatenderla en nada, haciendose todos los dias la limpieza de su habitacion, en la que para su descanso tenía un sillon á propósito con sábanas, frazada y almohada - Que sin recor-

-dar con precision el dia, si bien que cree
que fué el quince del corriente, habiendose oi-
-do un golpe en la puerta de su bartolina
se procedió á abrir enseguida su habitacion
y se le encontró muy excitado y diciendo que
queria ver á sus hijos y habiendose observado
que tenia algo asi como un golpe en la ca-
-beza se llamó al médico, quien recetó una
medicina que se le dió por mano del prac-
-ticante del Establecimiento Don Laureano
Fernandez y cuando este se retiraba, le sus-
-tituia Amador Reyes acompañandole el que
habla = Que el dia diez y seis del actual fué
trasladado á otra habitacion llamada San-
-ta Maria y al dia siguiente diez y siete
intentó dar otro golpe con la cabeza en
la reja de esta habitacion pudiendolo evitar
Amador Reyes y Liborio Escandi, llegando
enseguida el declarante con la llave, penetran-
-do en la habitacion con el Sor. Alcalde que
tambien se habia presentado, procurando en-
-tre todos calmar al preso, el cual falleció, co-

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-mo una hora despues, poco más ó menos, pre-
-sentandose el médico, á quien tambien se
habia llamado - dijo: que no tiene más que decir
que lo dicho es la verdad á cargo del juramen-
-to que tiene prestado en la que se afirmó y
ratificó despues de leer por sí su declaracion
que firmó con el Señor Instructor y Se-
-cretario que certifico = Rafael Alamo = Ru-
-bricado = Antonio Novoa = Rubricado = Eu-
-sebio Rubio = Rubricado = Igualmente cer-
-tifico: que al fólio diez y ocho vuelto de di-
-cho expediente hay una declaracion que co-
-piada dice asi = "Declaracion del preso Agus-
-tin Amador Reyes = En Guanabacoa á vein-
-titres de Febrero de mil ochocientos noventa
y siete compareció previa citacion el preso ci-
-tado al márgen al que el Señor Instructor
previno que iba á recibirle declaracion, de la

obligacion de decir verdad y penas en que in-
-curre el reo de falso testimonio, tomandole ju-
-ramento con arreglo á su clase por el que pro-
-metió decir verdad en cuanto supiere y fuese
interrogado y siendolo por las generales de la
Ley, dijo: llamarse Agustin Amador Reyes
natural de Canarias, de veinte y siete años
casado, albañil y en la actualidad preso en
la Carcel de esta villa = Preguntado conve-
-nientemente por el Juzgado: dijo: que co-
-nocio en esta Carcel á Don Ricardo Ruiz
Ugarrio con el cual se guardaron considera-
-ciones que el declarante no habia visto tener
con ninguno preso, teniendo en su habitacion
colchoneta, frazada, sábanas y almohadas
entrandosele la comida que le mandaban
de su casa - Que sin poder recordar el dia
el declarante por disposicion del médico era
el encargado de darle de tiempo en tiempo
una medicina que aquel facultativo le ha-
-bia recetado por que el Señor Ruiz estaba

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algo excitado, acompañandole el Clavero y el Escolta. - Que cuando se vió que estaba algo malo se le trasladó á la habitacion llamada Santa María, siguiendose en ella los mismos ó mayores cuidados - Que sin recordar tampoco el dia, pero sí que hará cinco ó seis, el declarante entró en la habi-tacion para darle una de las cucharadas y al ir á entrar vió que el Señor Ruiz venia hácia la puerta como si fuera á embestir con la cabeza en la reja, lo que evitó en union de Liborio, preso tambien en esta Carcel y como dicho Sr. Ruiz cayó poco despues al suelo, lo atendieron como co-rresponde, presentandose enseguida el Alcai-de y el Médico, pero este, en el momento en que fallecia el Señor Ruiz = Preguntado si oyó gritar alguna vez al Señor Ruiz sin

que nadie acudiera á su llamamiento, dijo que tan pronto como el Señor Ruiz daba alguna voz, enseguida acudia el Llavero y despues el Señor Alcaide ó algun otro emplea-do de la Cárcel: que no tiene mas que de-cir: que lo dicho es la verdad á cargo del juramento prestado en lo que se afirmó y ratificó leida que le fué su declaracion firmandola con el Señor Instructor y Se-cretario que certifico = Rafael Alamo = Rubricado = Agustin Amador = Rubrica-do = Eusebio Rubio = Rubricado = Igual-mente certifico: que al folio veinte de di-cho expediente hay una declaracion que copiada dice asi = Declaracion del preso Liborio Miera Morejon = En Guanabacoa á veintitres de Febrero de mil ochocientos noventa y siete compareció, prévia citacion el testigo del márgen al que el Señor Ins-tructor previno que iba á recibirle decla-racion, de la obligacion de decir verdad y pe

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92.

-nas en que incurre el reo de falso testimo-
-nio, tomandole juramento con arreglo á su
clase, por el que prometió decir verdad, en
cuanto supiere y fuere interrogado y siendolo
por las Generales de la Ley dijo llamarse Ribonio
Viera Morejon, natural de la Habana, de vein-
-tisiete años, soltero, talabartero, y preso en la
Carcel de esta villa - Preguntado conveniente-
-mente por el Juzgado dijo: que conoció al pre-
-so Don Ricardo Ruiz Ugarrio y que el de-
-clarante que es uno de los sirvientes mas anti-
-guos del Establecimiento asegura que se tuvo
con dicho Señor más consideraciones que con
ninguno preso permitiendole en el cuarto de
incomunicados que ocupaba que tuviera un si-
-llon de estos á proposito para echarse, colcho-
-neta, frazada, almohada y sábanas: que á cual-
-quiera hora que le traiga algo de su casa, como

leche ó alguna otra cosa, aun cuando no fueran horas de Reglamento si le entraba en la habitacion, la cual se limpiaba todos los dias como podrá justificar con Marceli-no Mejias - Que en un principio estuvo el Señor Ruiz en una de las bartolinas de incomunicados y un dia, no puede recordar cual, pero que hará unos ocho ó diez despues de servirle el declarante el almuerzo, se oyó un golpe en la puerta de la bartolina, acudió el Llavero, el Alcaide y el Brigada y vieron que el Señor Ruiz tenía como una rozadura en la cabeza por lo que se llamó al médico quien despues de examinarlo, recetó una medicina para que se le diera de tiempo en tiempo siendo el encargado de darsela Amador Reyes acompañandole el declarante - A consecuencia de esto fué trasladado el Señor Ruiz á la habitacion llamada Santa María, y un dia que no recuerdo cual, pero si que hará pocos al ir Reyes á darle la medicina

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93.

se lo encontró en posicion como si quisiera dar un golpe con la cabeza en la reja, lo que evitó Reyes, acudiendo tambien el decla- -rante y despues el Señor Alcalde y otros Em- -pleados, pero habiendole dado un ataque al Señor Ruiz falleció este al tiempo que llegaba el médico al que se había avisado= Preguntado: si el Señor Ruiz dió algunas veces voces, sin que acudiera nadie á ver lo que deseaba, dijo: que cuantas veces llamó ó dió alguna voz el Señor Ruiz, acudieron el Llavero siempre, y los de- -más empleados tambien, siendo estos los que se en- -contraban de servicio en el patio - Que no tiene mas que decir, que lo dicho es la verdad á cargo del juramento prestado, en lo que se afirmó y ra- -tificó leida que le fué su declaracion por renun- -ciar al derecho de hacerlo por sí mismo firman- -dola con el Señor Instructor y Secretario que

certifico = Rafael Alamo = Rubricado = Liborio Viera = Rubricado = Eusebio Rubio = Rubricado = Igualmente certifico: que al folio veinte y uno vuelto del mismo expediente, hay una declaracion que copiada dice asi = Declaracion del preso Marcelino Mejias Valdés = En Guanabacoa á veintitres de Febrero de mil ochocientos noventa y siete, compareció prévia citacion el testigo del margen al que el Señor Instructor previno que iba á recibirle declaracion, de la obligacion de decir verdad y penas en que incurre el reo de falso testimonio tomandole juramento con arreglo á su clase por el cual prometió decir verdad en cuanto supiere y fuere interrogado y siendolo por las generales de la Ley dijo llamarse Marcelino Mejias Valdés, natural de Mariano: Habana de treinta y seis años, casado, albañil, y que se halla cumpliendo condena en esta Cárcel

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94.

y encargado de la limpieza = Preguntado: si co-
-nocio al preso Don Ricardo Ruiz Ugarrio
y si todos los dias se verificaba la limpieza
de su habitacion, dijo: que como encargado que
es de la limpieza de la Carcel conocio al su-
-jeto que se le cita y que todos los dias verifi-
-caba la limpieza de su cuarto como de to-
-dos los departamentos de su edificio - Que no
tiene mas que decir, que lo dicho es la ver-
-dad á cargo del juramento prestado, en
lo que se afirmó y ratificó leida que le fué
su declaracion por renunciar al derecho de
hacerlo por si mismo firmandola con el
Señor Instructor y Secretario que certifico=
Rafael Alamo = Rubricado = Marcelino Ave-
-ja Valdés = Rubricado = Eusebio Rubio =

Rubricado= Igualmente certifico que al fo-
-lio veinte y dos de dicho expediente hay una
declaracion que copiada dice asi = Declaracion
del preso Don Ciriaco de Arango y Reigalo = En
Guanabacoa á veinte y tres de Febrero de mil
ochocientos noventa y siete, compareció previa
citacion el testigo del márgen al que el Señor
Instructor previno que iba á recibirle decla-
-racion, de la obligacion de decir verdad y penas
en que incurre el reo de falso testimonio for-
-mandole juramento con arreglo á su clase
por el que prometió decir verdad en cuan-
-to supiere y fuere interrogado y siendolo
á tenor de las generales de la Ley dijo
llamarse Don Ciriaco de Arango y Reigalo
natural de Guanabo (Habana) de veintiocho
años casado y que es médico-cirujano, detenido
en esta Cárcel por causas politicas = Pregun-
-tado: Si conoció en esta Cárcel á Don Ri-
-cardo Ruiz Vgarrio, si fué llamado algun

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95.

dia para asistirlo y porque motivo, dijo:
que no conocia al individuo que se le cita
en la pregunta pero que el dia diez y siete
del corriente fué llamado con urgencia para
atender á un individuo que tenia un ataque
que salió de la galera donde se encontraba pa-
-ra donde se hallaba un individuo que le dije
-ron era Don Ricardo Ruiz, que presentaba
al parecer padecer de un ataque epiléptiforme
-me, de cuyo ataque pasó, habiendole pre-
-guntado al declarante por sus hijos, que es
estaban vivos y gozaban de salud y al con-
-testarle afirmativamente prorumpió en llan-
-to y en lamentos. que poco despues cuando
nos retiramos que ya se habia calmado la situacion
observamos una exagerada palidez, sensacion

del pulso, sudor frio, laxitud muscular.
le auscultó y no latia el corazon por más
esfuerzos que hice con fragelaciones y pocia-
-miento de agua fresca é imprimirle movi-
-mientos á todo el cuerpo y en particular á
la jaula toráxica, en una palabra intentar
la respiracion artificial, único medio de que
podia disponer, no fué posible volverle á la
vida = Preguntado: Si tiene conocimiento ó
llegó á su noticia, que al expresado Señor
Ruiz se le hubiera tratado con descuido en
esta Cárcel, dijo: que le consta que tanto
el Señor Alcaide como los demás empleados
de este Establecimiento no podian prodigarle
más cuidados ni atenciones: que no es cos-
-tumbre en este Establecimiento, darle mal-
-trato á ninguno individuo y ménos á un
incommunicado — Dice no tiene mas que decir
que lo dicho es la verdad á cargo del jura-
-mento prestado: en lo que se afirmó y rati-

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100 PLIEGOS = 40 C

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-fico leida que le fué su declaracion, por
-renunciar al derecho de hacerlo por sí mismo
firmandola con el Señor Instructor y Secreta-
-rio que certifico = Rafael Alamo = Rubricado=
Ciriaco de Arango = Rubricado = Eusebio Rubio=
Rubricado = Igualmente certifico: que al fó-
-lio veintitrés vuelto del referido expediente
hay una declaracion, que copiada dice así=
Declaracion del practicante Don Laureano Fer-
-nandez Alvarez = En Guanabacoa á veinti-
-tres de Febrero de mil ochocientos noventa
y siete, compareció previa citacion el testigo
del márgen al que el Señor Juez previno que
iba á recibirle declaracion, de la obligacion de
decir verdad y penas en que incurre el reo de
falso testimonio, tomandole juramento por

arreglo á su clase por el que prometió decir
verdad en cuanto supiere y fuere interrogado
y siendolo por las generales de la Ley, dijo
llamarse Don Laureano Fernandez Alvarez, na-
-tural de Avilés (Asturias) de sesenta y tres
años, viudo, comerciante y actualmente en-
-fermero y practicante de la Carcel de esta
villa= Preguntado: si conoció en esta Carcel
al preso Don Ricardo Ruiz Ugarrio: si sa-
be que padeciera durante su estancia en el
Establecimiento alguna enfermedad y en caso
afirmativo si se le atendió con el cuidado
correspondiente, dijo: que efectivamente co-
-noció en esta Carcel al sujeto que se le
cita y que con motivo de padecer una ex-
-citacion nerviosa, segun oyó decir, le fué
recetada por el Médico una pocion para
tomar á cucharadas cuya pocion se la ad-
-ministró con toda exactitud algunas veces

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100 PLIEGOS=40 C.

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por el mismo declarante y cuando no estaba en el Establecimiento ó tenia otras ocupaciones se encargaba de ello el preso Amador Reyes temiendo el que habla seguridad de que nunca hubo despido en la asistencia del referido Señor Ruiz = Dijo no tiene más que decir: que lo dicho es la verdad á cargo del juramento prestado en lo que se afirmó y ratificó leida que le fué su declaracion que firma con el Señor Instructor y Secretario que certifico = Rafael Alamo = Rubricado = Laureano Fernandez = Rubricado = Eusebio Rubio = Rubricado = Del mismo modo certifico que al folio veinticuatro vuelto de dicho espediente hay una declaracion que copiada dice asi = Declaracion del testigo Don Rafael Galindo y

Piñero = En Guanabacoa á veintitres de Fe-
-brero de mil ochocientos noventa y siete com-
-pareció previa citacion el testigo del már-
-gen al que el Señor Instructor previno que
iba á recibirle declaracion, de la obligacion
de decir verdad y de las penas en que incu-
-rre el reo de falso testimonio, tomandole ju-
-ramento con arreglo á su clase por el que
prometió decir verdad en cuanto supiere y
fuere interrogado y siendolo á tenor de las
generales de la Ley dijo llamarse Don Rafael
Saludo Piñero, natural de Guanabacoa de
treinta y ocho años, viudo, Escribano del Juz-
-gado de primera instancia de esta villa y no
le comprenden las demás generales de la Ley=
Preguntado: diga si conoció al ciudadano nor-
-te-americano Don Ricardo Ruiz Ugarrio y
si al ser éste preso y conducido á la Cárcel
de esta villa le facilitó algunos efectos para
su descanso en dicho Establecimiento, dijo:

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100 PLIEGOS=40 C.

98.

N. 6.761600

que efectivamente desde hace mucho tiempo conocia al citado Ruiz Ugarrio estrechandose más la amistad que con él tenia y con sus familiares por ser convecino próximo del declarante hace diez ó doce años: que el dia de su prision y antes de ser de noche, por comision de la Señora de aquel, le llevó á la Cárcel, ropas de cama, las que entregó al Alcaide para que las hiciera llegar á poder de Ruiz; que sabe se las entregaron y que en el lugar donde estaba se le guardaron las consideraciones compatibles con la prision = Que no tiene más que decir; que lo dicho es la verdad á cargo del juramento prestado en lo que se afirmó y ratificó leida que le fué su declaracion firmandola con el Señor Instructor y Secretario que certifico = Rafael Alamo = Rubricado = Rafael Salindo = Rubricado = Eusebio Rubio =

Rubricado = Del mismo modo certifico = que al folio veinte y cinco vuelto del mismo expediente hay una diligencia que copiada á la letra dice asi = Diligencia de mi mismo oficio = En Guanabacoa á veintitres de Febrero de mil ochocientos noventa y siete, el Señor Instructor recibió un oficio del Capitan Juez Instructor Don Francisco de Rosa informando sobre la incomunicacion del procesado subdito americano Don Ricardo Ruiz Ugarrio = Se une á continuacion, conste y certifico = Alamo = Rubricado = Eusebio Rubio = Rubricado = Del mismo modo certifico: que al folio veinte y seis y siguientes del referido expediente hay una comunicacion que copiada dice asi = Oficio del Capitan Juez Instructor Don Francisco de Rosa = Hay un sello que dice = "Comandancia Militar de Guanabacoa = Juzgado de Instruccion = A los fines que V. S. tiene

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100 PLIEGOS = 40 C.
JUNTA DE GUANABACOA

99.

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á bien ordenarme en su superior escrito de este dia referente á la incomunicacion que sufrió el procesado súbdito americano Don Ricardo Ruiz Ugarrio tengo el honor de informar á V.S. que el expresado individuo ingresó como preso incomunicado en la Carcel de esta villa por mandamiento del que suscribe el dia cuatro del mes actual como encartado en la causa número seis mil cuatrocientos sesenta y nueve por descarrilamiento del tren de Regla á Guanabacoa y otros delitos cometidos en dicha ocasion la noche del diez y seis del mes próximo pasado, tomandosele la indagatoria el mismo dia cuatro y proximamente despues de su ingreso en dicho Establecimiento sin que manifestara el procesado ser ciudadano ame-

-ricano ni de ninguna otra nacion extranje-
-ra de cuya calidad tuvo conocimiento el Juz-
-gado el dia cinco por la tarde cuando por la
Superioridad se ordenó que requiriese al Ruiz
Ugarrio á fin de que manifestase y acredi-
-tase si era ciudadano americano, y la afir-
-mativa se hiciera constar por diligencia y
se remitiesen los autos al Escmo. Sor. Capitan
General, lo cual quedó cumplimentado la
noche del cinco por resultar que el Ruiz era
efectivamente ciudadano americano - La cau-
-sa de referencia volvió á poder del que sus-
-cribe en la noche del catorce del presente mes
con el decreto auditoriado de S. E. inhibiendose
del conocimiento de la misma en la parte
perteneciente al Ruiz Ugarrio á favor de la
jurisdiccion ordinaria y Juzgado de Primera
Instancia de Guanabacoa á cuyo fin se or-
-denaba la extraccion del testimonio de lugares
del procesado, y el duplicado que determina el

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...NCIA DE GUANABACOA

artículo veintiocho del Código de Justicia Mi-
-litar, cuya documentacion quedó en el Correo
en la tarde del dia quince. Por lo espuesto,
se vé claramente, que desde el cinco por la
noche hasta el catorce tambien por la noche,
nada pudo hacer el que informa en la alud-
-da causa por hallarse elevado á la Autoridad
Judicial y despues del catorce tampoco, en lo
relativo al Ruiz, por haberse inhibido dicha
Autoridad á favor del ordinario, concretandose
unicamente á sacar y remitir los testimonios
mencionados y participar que el procesado se
hallaba preso é incomunicado en la Cárcel
de esta villa. El Articulo cuatrocientos
setenta y ocho del Código de Justicia Militar
á cuya jurisdiccion se hallaba sujeto antes de
la inhibicion del Ruiz nada dice del número

de horas que han de durar las incomunica-
-ciones, sino que faculta al Instructor pa-
-ra decretarlas cuantas veces las crea necesa-
-rias con la sola limitacion de que no han
de durar más que el tiempo necesario para
evitar confabulaciones de los presos entre si
ó con personas extrañas, circunstancias que
aprecia el Instructor con arreglo á la índole
del procedimiento y condiciones de los proce-
-sados - Todo lo cual es cuanto puedo ma-
-nifestar á V. S. sobre el particular - Dios
que. á V. S. m.s a.s - Guanabacoa veintitres
de Febrero de mil ochocientos noventa y siete.
El Cap.n Juez inst.or = Francisco de Rosa =
Rubricado = Sor. Coronel Juez Instructor
D. Rafael Alamo = Igualmente certifico:
que al fólio treinta de dicho expediente
está el resumen del Instructor que copiado
dice asi = Resumen del Instructor - Don Rafael
Alamo y Castillo - Coronel de Infantería - Juez

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JUZGADO DE PRIMERA INSTANCIA DE GUANABACOA

Instructor permanente de la Capitanía General de la Isla de Cuba y en estas diligencias = Excmo. Sor. - Dieron principio estas diligencias el dia de hoy por órden de V. E. del de ayer para depurar los hechos denunciados por el Excmo. Sor. Consul de los Estados Unidos de la Habana cuyo funcionario con motivo de haber fallecido en la Cárcel de Guanabacoa el súbdito norte-americano Don Ricardo Ruiz Ugarrio hace las siguientes manifestaciones: Primera: Que al referido Ruiz se le encerró en una bartolina de tres á cuatro pies de ancho por cinco ó seis de fondo: segunda: que se le negó permiso para entrar en la habitacion que ocupaba un catre ó hamaca, no permitiendosele que llevara nada más que un sillon: tercera: que estuvo trescientas quince horas incomunicado.

cuarta: que aún cuando se oian sus gritos des-
-de dos ó tres dias antes de su fallecimiento no
se le hizo caso: quinta: que no se limpió la
bartolina en que se hallaba hasta la víspera
de su fallecimiento: sexta: que aun cuando se
llamó á un médico para que lo viera ningun
otro cuidado se tuvo con el expresado Señor Ruiz
y: sétimo: que falleció de congestion cerebral pe-
-ro á consecuencia de una contusion que tenia en
el cráneo - Estos son los hechos, Excmo. Sor. de-
-nunciados por el Consul expresado de los Esta-
-dos Unidos Mister Lee; y de las diligencias prac
-ticadas por el Juzgado con toda rapidez para com
-probar la exactitud de los referidos hechos apa-
-rece lo siguiente = Que Don Ricardo Ruiz Vega-
-rio ingresó en la Cárcel de Guanabacoa el dia
cuatro del corriente por órden del Capitan Juez
Instructor Don Francisco de la Rosa por hallar
-se complicado en causa que instruye dicho Capitan
con motivo del asalto por los insurrectos del tren

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de Regla á Guanabacoa, habiendosele recibido
indagatoria el mismo dia sin que manifestara
el acusado ser ciudadano norte-americano y cuan
-do hizo tal manifestacion se remitieron los au-
-tos á V. E. segun manifiesta el expresado Ins-
-tructor en la comunicacion que obra á folios veinti-
-seis y siguientes, habiendose decretado por su res-
-petable autoridad la inhibicion del asunto á fa-
-vor de la jurisdiccion ordinaria = Añade el
expresado Capitan Don Francisco de la Rosa que
el Código de Justicia Militar no marca limite
á la incomunicacion de los procesados dependiendo
esta situacion de las necesidades del procedimiento.
Una vez en la Carcel de Guanabacoa el preso
Ricardo Ruiz, fué colocado en la primera bar-
-tolina, que se encuentra á mano derecha del

Establecimiento entrando por la puerta princi-
-pal cuya habitacion segun el reconocimiento
pericial que obra á folios quince y siguientes
es de forma rectangular de cinco metros noven-
-ta centimetros de altura, dos cincuenta de an-
-chura y cinco ochenta y cinco de longitud con
una puerta de madera enchapada de hierro y
sobre ella una ventana con reja de un metro
diez centimetros de ancho por cuarenta y cinco
centimetros de alto. Su piso sin peñales de hu-
-medad y las paredes revestidas de cal con un
friso de mas de un metro de altura formado
por una materia bituminosa: habitacion per-
-fectamente utilizable para albergar algunos
dias un preso de consideracion. Segun se demues
-tra por las declaraciones de los testigos Don Fer-
-min Fonás, folio nueve vuelto, Don Antonio No-
-voa, folio diez y siete vuelto, Don Agustin Ama
-dor folio diez y ocho vuelto, Libono Viera folio
veinte y Don Rafael Galindo folio veinte y cuatro

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REGISTRO DE LA ESCRIBANIA DE GUANABACOA

N. 7.477.565

vuelto, el preso Don Ricardo Ruiz tuvo en su habitacion ó sea en la barbolina antes descripta, desde que entró en ella, un pillow largo que le servia de cama con colchoneta almohada frazada y sábanas para su descanso. El dia quince del actual, habiendose oido un golpe en la habitacion ocupada por el preso Don Ricardo Ruiz se procedió inmediatamente á abrir la puerta, concurriendo el Clavero Don Antonio Novoa, encontrando á dicho individuo muy excitado diciendo que queria ver á sus hijos y observando al mismo tiempo que tenia un golpe en la cabeza - Se llamó al médico Señor Vidal que despues de prestar los auxilios correspondientes, recetó una pocion para que se le administrara de hora en hora

cuyo plan se cumplió con rigurosa exactitud
y para evitar que pudiera atentar nuevamente
contra su vida, se le trasladó á otra habitacion
de mejores condiciones segun consta en la diligen
-cia del folio quince vuelto y en la que podia
estar mejor vigilado - El dia diez y siete del
presente mes al ir el encargado de darle la me
-dicina Agustin Amador á cumplir su come
-tido encontró á Don Ricardo Ruiz en acti
-tud de embestir con la cabeza la reja de la
habitacion, pudiendo evitar el golpe que indu
-dablemente se hubiera dado, habiendo acudido
despues á la habitacion á auxiliarle el preso
D. Liborio Viera y despues el de igual clase D.
Viriaco Arango, médico este, quienes prestaron
al enfermo los auxilios que requeria su estado
si bien este falleció al poco rato victima de
un accidente = Todos estos hechos estan corrobo
-rados por la declaracion del Alcaide de la Carcel
Don Fermin Fornás, el médico forense Don Fran
-cisco Vidal, Don Antonio Novoa, el citado Agus

N. 7.477.566

104.

-tin Amador; Libonio Viera y Don Laureano Fernandez; folios nueve vuelto, once vuelto, diez y siete vuelto, diez y ocho vuelto, veinte y veinte y tres vuelto, asegurando estos mismos testigos que el trato que se le dió en la Cárcel al tantas veces citado Don Ricardo Ruiz, no solo fué el más cuidadoso sinó excepcional, por no habersele dado á ninguno de los recluidos en el Establecimiento y que tan pronto como se le oia llamar, ó quejarse á los ~~todos momentos~~, acudian el Llavero, Escoltas, y demás empleados que estaban de servicio en el Establecimiento = La limpieza de la bartolina se hacia diariamente segun justifican los testigos Don Fermin Fouras Izquierdo, Libonio Viera y Marcelino Mejias, folio veinte y uno vuelto = Por ultimo Exmo. Sor. segun afirman los médicos Don José Martinez Castillón y Don Francisco Vidal en la

declaracion que prestan á folio trece y siguien-
-te, el subdito norte-americano Don Ricardo
Ruiz Ugarrio falleció á consecuencia de conges-
-tion cerebral sin que tuviera la menor influen-
-cia en esta congestion la contusion que volun-
-tariamente se produjo este individuo por efecto
de la excitacion nerviosa que padeció el dia
quince del actual - Y considerando el que sus-
-cribe que quedan suficientemente probados los
hechos enumerados y la inexactitud de las de-
-nuncias hechas por el Excelentisimo Señor Con-
-sul de los Estados Unidos, debido sin duda á
error en los informes que recibiera es de parecer
que pueden darse por terminadas estas diligen-
-cias - Salvo como siempre mejor acuerdo de V. E.
Guanabacoa veintitres de Febrero de mil ocho
-cientos noventa y siete = Exmo. Sor = Rafael
Alamo = Rubricado = Igualmente certifico:
que al folio treinta y cinco de dicha informa
-cion está el dictamen del Sor. Auditor General
que copiado dice asi = Dictamen del Sor. Aus-

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N. 7.477.567

SELLO 1º A. 1896 y 97

100 PLIEGOS = 40 C

JUSTICIA INSTANCIA DE GUANABACOA

-ditor = Ecmo. Sor. - Cumpliendo esta infor-
-macion de órden de V. E. á virtud de la co-
-municacion del Señor Consul General de los
Estados Unidos que obra á los fólios primero
al cuarto en que se atribuye la muerte del
ciudadano americano Don Ricardo Ruiz Vega
-rio á las malas condiciones del lugar en que
se le recluyó y malos tratamientos recibidos en
la Carcel. No entrando á analizar la cues-
-tion puramente técnica de si las erosiones
que presentaba en la cabeza el cadaver de Ruiz
Vegarrio fueron causa ocasional de su muerte
como indica el Señor Consul Gral por manifes-
-tacion del Doctor Burgess Inspector de Sanidad
de los Estados Unidos ó si no lo fueron como
manifiestan los Profesores Médicos que practi-
-caron la autopsia del cadaver, toda vez que

fueran ó nó esas erosiones la causa de su muerte, se encuentra suficientemente probado que él mismo se las ocasionó contra la reja puerta de la prision en un acceso nervioso en el que fué debidamente asistido, reuniendo además el local en que estuvo preso si nó condiciones de comodidad, las bastantes de hi-giene para que no pudiera peligrar en él la salud y mucho menos la vida del preso. En su virtud no apareciendo de lo actuado responsabilidad civil ni criminal que exigir á persona alguna procede se dé por terminada esta informacion pudiendo darse conocimiento del resultado de ella al citado Sor. Consul Gral de los Estados Unidos en vista del último extremo de su comunicacion. Y como el hecho investigado pudiera dar lugar á alguna reclamacion de carácter internacional oportuno seria remitir al Excmo. Sor Ministro de la Guerra por si considerara conveniente hacerlo al de Estado testimonio de estas

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actuaciones. Salvo mejor derecho de V. E. Ha-
-bana veinte y cuatro de Febrero de mil o-
-chocientos noventa y siete = Excmo. Sor = Juan
Romero = Rubricado = Hay un sello que dice:
Auditoría Grāl del Ejercito de la Capt.a Gral
de la Isla de Cuba = Igualmente certifico:
que al folio treinta y seis vuelto de esta
información hay un decreto del Excmo. Sor.
Capitan Grāl. que copiado dice así = Decre-
-to del E. S. Capn Grāl. Seccion quinta = Ha-
-bana veinte y cuatro de Febrero de mil ocho-
-cientos noventa y siete = De acuerdo con el
anterior dictámen doy por terminado este pro-
-cedimiento; Sin declaracion de responsabilidad alguna
-sul de los Estados Unidos en esta Capital y
para la extraccion del testimonio que se indica

y demás efectos vuelva al Juez Instructor Coronel Don Rafael Alamo = P. A. El Grāl. segundo encargado del despacho = Rubricado = Hay un sello que dice = Capitanía Grāl de la Isla de Cuba = Estado Mayor = Y para que conste donde convenga y de órden del Excmo. Sor. Capitan General de esta Isla expido el presente testimonio visado por el Señor Instructor en la Habana á los diez dias del mes de Marzo de mil ochocientos noventa y siete = Vto. Bno = Alamo = Eusebio Rubio = Hay un sello que dice = Capitanía General de la Isla de Cuba = Juzgado de Instruccion = Ejercito de la Isla de Cuba = Capitanía General = Estado Mayor = Seccion quinta = Conforme interesó V. S. por su atenta comun. de siete del actual, tengo el honor de remitirle testimonio de lugares de las diligencias practicadas con motivo del fallecimiento en la Cárcel de Guanabacoa del súb-

Pieza de Rubio
f 114

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N. 7.477.569

SELLO 14ª 1896-97

100 PLIEGOS 40 C

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

-dito americano Don Ricardo Ruiz del cual
ruego á V. S. se sirva acusar recibo - Dios
gue. á V. S. ms. as. = Habana diez Marzo
mil ochocientos noventa y siete = Val.o Weyler -
Sor. Juez de Instruccion de Guanabacoa = Gua
Provid.a Guanabacoa Marzo doce de mil ochocientos noven
f.115 -ta y siete = Por recibida la anterior comunic
-cacion con el testimonio á que la misma
se refiere acúsese recibo y prevengase al pe-
-rito Don Francisco Fernandez Aleman que
haga un plano de la Cárcel de esta villa espe-
-cificando las bartolinas y galera "Santa Maria"
con vista del que existe en el Ayuntamiento
de esta villa. Lo acordó y firma Su Señoria
Lo certifico. = Vega = Anastasio Arango = Nota.
que se acusó al Excmo. Sor. Capitan General.

Lo certifico = Arango = Ten la misma fecha me trasladé á la morada de Don Francisco Fernandez Aleman y le previne hiciera un plano en la forma dispuesta en la providencia anterior, enterado firmó. Lo certifico = Franco Fernandez Aleman = Arango = Ten trece de Marzo de mil ochocientos noventa y siete ante Su Señoria compareció Don Francisco Fernandez Aleman y le entregó un plano de la proyeccion horizontal de la Carcel de esta villa, disponiendose por Su Señoria que dicho plano fuere unido á continuacion y firma haciendolo despues el Perito Don Francisco Fernandez Aleman. Lo que certifico = Vega = Franco Fernandez Aleman = Anastasio Arango = (Sigue un plano de la proyeccion horizontal de la Carcel de esta villa) = Guanabacoa Marzo trece de mil ochocientos noventa y siete = Cumpliese la declaracion de Don Antonio Ruiz de Ugarrio por lo conducente, ofrezca

Provid.a de f.116

SELLO 14ª 1896-97
100 PLIEGOS=40 Cs
JUZGADO 1ª INSTANCIA DE GUANABACOA

N. 7.477.570

-pele á él y á su hermana el procedimiento
líbrese oficio al Sor. Alcalde Municipal á
fin de que manifieste la fecha en que tomó
posesion el actual Alcaide de la Cárcel y reco-
-nozcase la galera Santa María y las bartoli-
-nas de la Cárcel por el facultativo Muni-
-cipal y el Director del Hospital á fin de
hacer constar su estado de higiene y las con-
-diciones que reunen para la permanencia en
ella de los presos. Lo proveyó y firma Su Sría.
Lo certifico = Vega = Anastasio Arango = Nota
Que se libró cédula al alguacil para la ci-
-tacion de los testigos: lo certifico = Arango =
Otra: que se libró oficio al Alcalde Municipal
Lo certifico = Arango = Otra: que se libraron
oficios á los médicos. Lo certifico = Arango = En
Dicha la villa de Guanabacoa á catorce de Marzo

Mesa
entrafino
folio 112

de mil ochocientos ~~cincuenta~~ y siete. Su Señoría con mi asistencia se constituyó en la Cárcel de esta villa acompañado del Sor. Don José Martinez Castillon médico director del Hospital Cívico de esta villa y del Sor. Don Francisco Vidal y Alvarado, Médico Municipal forense. Y habiendoseles hecho saber el objeto de esta diligencia examinaron detenidamente las tres bartolinas asi como la galera Santa María y hecholes saber las dimensiones y cubicaciones de todas ellas que constan de la diligencia del dia once del actual, dijeron que las bartolinas atendidas sus dimensiones altura y cubicacion asi como la ventana que tienen en la parte superior de la puerta, la seguedad y clase de su pavimento y la circunstancia de que la puerta se abre varias veces al dia, ya para entrar las dos comidas como para recojer despues de ellas el plato ó vasija en que se sirve y para sacar los escretos reuniendo condiciones de habitabilidad

SELLO 1º A. 1896-97
100 PLIEGOS 40 C
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 7.477.571

suficientes en este clima, pues el volumen de aire que contienen y su renovacion constante por la ventana que tiene la puerta en la parte superior hace que el preso respire siempre con aire igual al del exterior con tanto mayor motivo cuanto que la orientacion del edificio y el lugar alto en que se halla emplazado son causas de que en todo el edificio circule la brisa propia de estas latitudes, no siendo posible por las razones dichas que el aire de dichas bartolinas llegue á viciarse ó á ser insuficiente para la economia del preso: que de igual manera con mayor motivo y por las propias causas creen que la galera Santa Maria reune buenas condiciones de habitabilidad pero tiene ademas de ventaja que la

puerta es una reja de hierro y sus dimensiones
y cubicacion casi el doble que las bartolinas,
por lo que estar en ella es lo mismo que si se
estuviera fuera en lo que respecta al aire respi-
-rable. Que la Carcel en general es un edifi-
-cio de planta baja de construccion moderna y
hecho expresamente al fin á que está dedicado
con corredores espaciosos y amplio patio, de ven-
-tilacion inmejorable y por tanto de gran salu-
-bridad, evidenciandose esta con solo ver el aspecto
de los presos muy diferente al que por regla ge-
-neral suelen presentar los que están recluidos
algun tiempo no advirtiendose en ella mal olor
ni aun el especial que produce la aglomeracion
de personas y no existiendo tampoco enfermos
de las afecciones propias de las prisiones, advir-
-tiendose por último que en todo el edificio
tiene en sus paredes un zócalo de chapapote
cuyas emanaciones reemplazan á las de creolina
y otros desinfectantes contribuyendo asi á la
salubridad que se advierte. Que en toda la

SELLO 1º A. 1896 á 97
100 PLIEGOS = 40 C
JUZGADO DE PRIMERA INSTANCIA DE GUANABACOA

110

N. 7.477.572

Cárcel la limpieza y el aseo son esmerados - Con lo cual se dá por terminada esta diligencia que firma Su Señoría con los médicos por ante mí de que doy fé = Vega = J. Martinez = Franco Vidal = Anastasio Arango = En la villa de Guanabacoa á quince de Marzo de mil ocho-cientos noventa y siete constituido el Señor Juez en el local que ocupa el Juzgado con asis-tencia del Secretario que suscribe se hizo com-parecer á Don Antonio Ruiz y de Ugarrio cu-yas generales ya constan en estas diligencias se le recordó por S. S. el juramento que tiene prestado, ofreciendo decir verdad y á preguntas que se le hicieron, dijo: que su Señor padre Don José Ruiz de Ugarrio falleció en la ciudad de la Habana segun cree recordar en veinte de Enero de mil ochocientos cincuenta y dos en la Parro-

D Ant. Ruiz tomo 119 f

-guia del Santo Angel Custodio: que encon-
-trandose el declarante un dia hara como ocho
años en la oficina del archivo del Ayuntamiento
de esta villa sintió un gran peso en la cabeza
y que se le iba la vista por cuya razon inmedia-
-tamente se dirijió á su domicilio y por pres-
-cripcion del facultativo Don Rufino Vidal que
se encontraba allí como Regidor del Ayunta-
-miento se fué para su domicilio á tomar
un fuerte purgante que le recetó de palabra
pues decia que estaba amagado de una conges-
-tion al cerebro: cuyo purgante tomó y no obs-
-tante eso le quedó la boca ligeramente contrai
-da en la comisura derecha y que despues fué
asistido por el facultativo Don Juan Valdés Va-
-lenzuela. En este estado Su Señoria instruyó
al testigo del derecho que le concede el articulo
ciento nueve de la Ley de Enjuiciamiento Cri-
-minal y manifestó despues de instruido que
no se muestra parte en esta causa. Se dió por

SELLO 1º A. 1896 97

100 PLIEGOS=40 C

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

N. 7.477.573

111.

terminado el acto disponiendose se levantara es-
-ta la que despues de leida al testigo por ha-
-ber renunciado á hacerlo por si, la firmó con-
-forme asi que lo hizo S. S.- Lo certifico = Vega =
Ante. Ruiz de Ygarrio = Anastasio Arango = Gua-
-nabacoa Marzo diez y seis de mil ochocientos
noventa y siete = Líbrese atenta comunicacion
al Sor. Consul General de los Estados Unidos
y al Dor. Burgess á fin de que informen sobre
los particulares oportunos y cuyas comunicaciones
se remitirán por conducto del Exmo. Sor. Gober-
-nador General: reconozcase á Don Antonio
Ruiz por el facultativo municipal á fin
de hacer constar la paralisis que padece: eva-
-uense las citas hechas por dicho Ruiz en su
ampliación y ofíciese al Sor. Cura Parroco de la
Iglesia del Santo Angel Custodio á fin de que

Prov. $1.21\frac{1}{2}$

remita certificacion de la defuncion de Don
José Ruiz de Ugarrio. Lo proveyo y firma
Su Sria. Lo certifico = Vega = Anastasio
Arango = Nota: que se libraron las comun-
-nicaciones dispuestas al Sor. Consul de los
Estados Unidos, Dor. Daniel M. Burgess y
Exmo. Sor. Gobernador General. Lo certifico =
Arango = Otra: que se libró oficio al fa-
-cultativo municipal. Lo certifico = Arango =
Otra: que se libró exhorto al Juzgado de Be-
-len y communicacion al alguacil. Lo certifico=
Arango = Otra: que se ofició al Sor. Cura
Parroco de la iglesia del Angel. Lo certifico=
Arango = Guanabacoa Marzo diez y seis de
mil ochocientos noventa y siete = Dejese á
continuacion certificacion literal de las comun-
-nicaciones libradas al Exmo. Señor Gobernador
General, Consul de los Estados Unidos de Ame-
-rica y Doctor Burgess. Lo proveyó y firma
S. S. Lo certifico = Vega = Anastasio Arango=

Provid.a de Arango = Guanabacoa Marzo diez y seis de mil ochocientos noventa y siete. = Dejese á continuacion certificacion literal de las comunicaciones libradas al Exmo. Señor Gobernador General, Consul de los Estados Unidos de America y Doctor Burgess. Lo proveyó y firma S. S. Lo certifico = Vega = Anastasio Arango =

de f 121. v.to

N. 7.477.574

112.

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 1º A. 1896-97
100 PLIEGOS=40 C

Certf Certifico: que la comunicacion librada al Excmo.
f 122 Sor. Gobernador General de esta Isla, es como sigue:

Excmo. Sor.= De acuerdo con lo dispuesto en el
articulo quatrocientos quince de la Ley de Enjui-
-ciamiento Criminal y por si V. E. estima con-
-veniente y se digna darle el curso corres pon-
-diente, tengo el honor de acompañarle dos co-
-municaciones dirigidas al Sor. Consul de los Es-
-tados Unidos de America en la Habana y al
Dor. Mer. Daniel M. Burgess, Encargado del Hos-
-pital de Marina de los Estados Unidos en el puer
-to de la Habana, á fin de que se sirvan in-
-formar acerca de los hechos á que los mismos
se refieren - Espero merecer de V. E. tendrá á bien
disponer se me acuse recibo de la presente y de las
comunicaciones acompañadas - Dios guarde á V. E.
m.s a.s - Guanabacoa Marzo diez y seis de mil

ochocientos noventa y siete = Exmo Sor. Gobernador General de esta Isla = Tambien certifico: que la communicacion dirigida al Señor Consul de los Estados Unidos de America dice asi:= Exmo. Sor. = En el sumario que instruyo con el numero del margen para investigar las causas que produgeron la muerte del ciudadano norteamericano Mr. Ricardo Ruiz de Ugarrio, he acordado dirijir á V. E. la presente, como tengo el honor de verificarlo á fin de rogarle tenga á bien informar á este Juzgado si con motivo de la muerte del referido ciudadano americano Mr. Ricardo Ruiz de Ugarrio estuvo V. E. en esta villa el dia diez y ocho de Febrero ultimo de las dos á las cinco y media de la tarde acompañado del Dor. Mr. Daniel M. Burgess y de un interprete que se dice era corresponsal del periódico "The New York Herald" en cuyo dia fué invitado por el Juez de Instruccion que suscribe á que interviniera en la autopsia del cadaver de Mr. Ruiz habiendo aceptado dicha intervencion

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 4º A. 1896-97
100 PLIEGOS=40 C

N. 7.477.575

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— que tuvo lugar por medio del citado facultativo Mr. Daniel M. Burgess y que no firmó el acta de la autopsia porque se le hacia tarde para regresar a la Habana — Al propio tiempo espero de S. E. se sirva manifestarme el nombre del interprete que le acompañó en el citado dia diez y ocho de Febrero y si Mr. Burgess le communicó las causas que habian producido la muerte de Mr. Ricardo Ruiz — Dios guarde á S. E. m.s a.s — Guanabacoa Marzo diez y seis de mil ochocientos noventa y siete = Por. Consul General de los Estados Unidos de América = Así mismo certifico: que la communicacion dirigida al Dor. Don Daniel M. Burgess, dice lo siguiente = Con motivo del sumario que instruyo para averiguar

las causas que produjeron la muerte de Mer. Ricardo Ruiz espero de V. S. se sirva infor-mar á este Juzgado si V. S. estuvo presente en el acto de la autopsia de dicho Mer. Ruiz el dia diez y ocho de Febrero último designado al efecto por el Señor Cónsul General de los Esta-dos Unidos, tomando parte directa en el reco-nocimiento del cadáver en union de otros dos facultativos: si apreció en dicho cadáver al-gun signo del hábito externo digno de men-cion y el juicio ó causa determinante de la muerte que á su criterio médico la ocasionó así como tambien todo lo que observó en dicho cadáver que pueda dar luz respecto del hecho de la muerte que se investiga = Dios guarde á V. S. m.s a.s = Guanabacoa Marzo diez y seis de mil ochocientos noventa y siete = Doctor M. Daniel M. Burgess - Encargado del Hospital de Marina de los Estados U. en el puerto de la Habana - Guanabacoa Marzo diez y seis de mil

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 1º A. 1896-97
100 PLIEGOS=40 C.

114.
N. 7.477.576

ochocientos noventa y siete = Anastasio Arango =
Dª Enriqueta Ruiz de Perez = En la villa de
Guanabacoa á diez y seis de Marzo de mil ocho-
-cientos noventa y siete constituido el Sor. Juez
de Instruccion de esta villa en el Juzgado con asis
-tencia del Secretario que suscribe se hizo compa-
-recer á una persona de la raza blanca que ma-
-nifestó llamarse Enriqueta Ruiz viuda de Perez
El Juez de Instruccion le advirtió la obliga-
-cion en que está de decir verdad y le enteró
de las penas con que el Código castiga el delito
de falso testimonio en causa criminal y le reci-
-bió juramento que prestó en nombre de Dios
y preguntada por los particulares del artículo
cuatrocientos treinta y seis de la Ley de Enjuicia
-miento Criminal, dijo: que se llama como que-
-da consignado, de cuarenta y ocho años, de estado

Dª Enriqueta Ruiz
f 125

viuda, vecina de Cadenas número treinta en es-
-ta villa de profesion ni oficio su casa que-
conoce al procesado y- las demás partes de cuyo
nombre se le enteró y- tiene con ellos amistad-
relaciones de- no ha estado procesada y que
si sabe leer y si escribir. Acto seguido y
á las preguntas que le fueron hechas por el Sor.
Juez, dijo: que es hermana legítima del difunto
D. Ricardo Ruiz de Ugarrio: que no sabe ni
le consta que este fuera objeto de malos trata-
-mientos en la cárcel de esta villa: que la
muerte de su hermano fué producida por una
congestion cerebral no habiendo oido decir nada
respecto á que dicha muerte fuera violenta=
que no hizo por verlo durante su prision
pues no era posible á causa de estar inco-
-municado. En este estado Su Señoría instru-
-yó á la declarante de los derechos que le con
-cede el artículo ciento nueve de la Ley de
Enjuiciamiento criminal y manifestó que no

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 14ª 1896-97
100 PLIEGOS=40 C

115

N. 7.477.577

se muestra parte en esta causa - Se dió por terminado el acto disponiendo se levantara ésta la que despues de leida la firmó conforme la declarante asi que lo hizo S. S.- Lo certifico = Vega = Enriqueta Ruiz vda. de Perez = Anastasio Arango = Alcaldía Municipal Guanabacoa =

Oficio f 116 = N.º diez y seis mil ochocientos cuarenta y una f.º doscientos veinte y dos. P. = Contestando la atta comunicacion de V. S. fecha trece del actual tengo el honor de informarle que Don Fermin Tomás Izquierdo, actual alcaide de la Cárcel de esta villa fué nombrado interinamente para dicho destino por el Exmo Sor. Gdor. de esta Region en veinte y tres de Septiembre del año pdo. tomando posesion el veinte y seis del mismo mes, siendo confirmado el citado nombramiento por el Exmo Sr. Gdor. Gral. en cuatro

de Diciembre último = Dios gue. á V. S. ms as
Guanabacoa diez y seis de Mzo. de mil ocho-
-cientos noventa y siete = Pablo Manuri = Sor.
Rufino Vidal Alvarado fl 17 Juez de Instruccion de esta villa = Dón Rufino
Vidal y Alvarado = En la villa de Guana-
-bacoa á diez y ocho del mes de Marzo de mil
ochocientos noventa y siete constituido el Sor.
Juez de Instruccion de esta villa en el Juzga-
-do con asistencia del secretario que suscribe
se hizo comparecer á una persona de la raza
blanca que manifestó llamarse Rufino Vi-
-dal y Alvarado. El Juez de Instruccion le
advirtió la obligacion en que está de decir
verdad y le enteró de las penas con que el
Código castiga el delito de falso testimonio
en causa criminal y le recibió juramento
que prestó en nombre de Dios y prometido
por los particulares del artículo cuatrocientos
treinta y seis de la Ley de Enjuiciamiento cri-
-minal, dijo: que se llama como queda con-

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 14ª 1896-97
160 PLIEGOS=40 C.

N. 7.477.578

-signado, de cincuenta y dos años, de estado casado, vecino de Luz número treinta y dos, de profesion ú oficio médico que - conoce al pro-cesado y - las demás partes de cuyo nombre se le enteró y tiene con ellos amistad - relaciones de - no ha estado procesado y que si sabe leer y si escribir.- Acto seguido y á las preguntas que le fueron hechas por el Sor. Juez, dijo: que segun cree recordar hará como siete ú ocho á-ños que al entrar un dia en el local que ocu-pa el Archivo del Ayuntamiento de esta villa le dijo el encargado del mismo Don Antonio Ruiz de Ugarrio, de que conocia hacia tiempo que se sentia desde unos dias antes con ligera cefa-lalgia y algunos trastornos cerebrales por lo que le aconsejó el dicente que tomara un purgante á fin de evitar que pudiera ser invadido de una congestion cerebral: que por el conocimiento que

tiene con el citado Ruiz cree que este haya tenido alguna congestion cerebral con derrame á juzgar por la contraccion que tiene en la cara por el continuo movimiento que tienen sus parpados y los caracteres de su marcha, sin que pueda asegurarlo por no haberlo examinado nunca de una manera minuciosa. En este estado Su Sria. dió por terminada esta declaracion disponiendo se levantara esta diligencia la que fué leida al declarante, por renunciar á hacerlo por sí mismo y conforme firmó despues de S. S. Lo certifico = Vega = Rufino Vidal = Anastasio Arango =

Oficio de fecha 119

Gobierno General de la Isla de Cuba - Secretaria General = De orden del Excmo. Sor. Gobernador General acuso á V. S. recibo de su comunicacion fecha de ayer acompañada de las dos que dirije al Sor. Consul General de los Estados Unidos de América en esta ciudad y al Dor. D. Daniel M. Burgess con objeto de que informen respecto al sumario que se

JUZGADO DE 1ra INSTANCIA DE GUANABACOA

SELLO 14.ª 1896 y 97

100 PLIEGOS=40 C

N. 7.477.579

117.-

instruye para averiguar las causas del falleci-
-miento del ciudadano americano D. Ricardo
Ruiz, cuyos escritos se remiten hoy á los re-
-feridos Sres. = Dios guarde á V. S. m.ª a.ª = Haba-
-na diez y siete de Marzo de mil ochocientos
noventa y siete = Marqués de Palmerola = Sor Juez
de Primera Instancia de Guanabacoa = Dor. =

D. Francisco Vidal y Alvarado = En la villa de
Guanabacoa á diez y nueve del mes de Marzo
de mil ochocientos noventa y siete constitui-
-do el Sor. Juez de Instruccion de esta villa en
el Juzgado con asistencia del Secretario que sus-
-cribe se hizo comparecer á una persona de la
raza blanca que manifestó llamarse Francisco
Vidal y Alvarado. El Juez de Instruccion le
advirtió la obligacion en que está de decir ver-
-dad y le enteró de las penas con que el Código

castiga el delito de falso testimonio en causa criminal y le recibió juramento que prestó en nombre de Dios y preguntado por los particula-res del artículo cuatrocientos treinta y seis de la Ley de Enjuiciamiento Criminal, dijo: que se llama como queda consignado, de cuarenta y dos años, de estado casado, vecino de Camarera veintitres, de profesion ú oficio Médico Munici-pal que- conoce al procesado y- las demás partes de cuyo nombre se le enteró y- tiene con ellos amistad, relaciones de- no ha estado procesado y que si sabe leer y si escribir. Acto seguido y á las preguntas que le fueron he-chas por el Sor. Juez, dijo: que por disposicion de Su Señoria, ha reconocido en la casa calle de Palo-blanco número treinta y cinco á D. Antonio Ruiz de Ugarrio, el cual se encuen-tra padeciendo de una parálisis facial del lado derecho con una ligera desviacion de la comisura labial del mismo lado y parpadeo

JUZGADO DE 1ra INSTANCIA DE GUANABACOA

SELLO 4ª A 1833-71
100 PLIEGOS $4 00 C

116.

N. 7.477.580

cuyos síntomas los viene padeciendo segun antecedentes por él suministrados desde hace siete ú ocho años, siendo dichos síntomas consecutivos de algun estado congestivo del cerebro probablemente del lado izquierdo.- En este estado Su Sría dió por terminado el acto disponiendo se extendiera ésta, la que despues de leida al declarante por haber renunciado á hacerlo por sí mismo la halló conforme y firmó despues de Su Sría. Lo certifico.= Vega= Franco Vidal= Anastasio Arango= Causa nº cincuenta y uno= Ruego á V. S. se sirva disponer se reciba declaracion al Doctor Don Juan Valdés Valenzuela, vecino de la calle de Acosta número veinte y cinco á fin de que manifieste si conoce á Don Antonio Ruiz

Oficio 131

de Ugarrio y si recuerda haberle prestado
asistencia facultativa hará como ocho años
á consecuencia de un principio de congestion
cerebral y si por consecuencia de dicha con-
-gestion le sobrevino una parálisis al lado
derecho de la cara; explicando cuanto recuer
-de con motivo de dicha afeccion - Dios guarde
a V. S. m.s a.s - Guanabacoa Marzo diez y
seis de mil ochocientos noventa y siete = Ful
-gencio de la Vega = Sor. Juez de Instruccion
del Juzgado de Belen en la Habana = Provi
-dencia Juez Sor. Piracés = Habana y Mar
-zo diez y siete de mil ochocientos noventa
y siete = Por recibido en este dia el anterior
exhorto, practiquese sin perjuicio de esta juris
-diccion lo que en el mismo se interesa, tome
-se razon y evacuado devuelvase al Sor. Juez de
su impulso rogandole acepte este proveido co
-mo atento oficio de remision - Lo mandó y fir

119-

N. 7.477.581

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 4º A. 1896-97

100 PLIEGOS=40 C

-ma Su Sría: doy fé = Mart= Piracés = Juan H. Vergel = Nota: que se topó razon al nú-
-mero trescientos treinta y nueve y se libró órden
al alguacil: doy fé = Vergel = Exhorto trescien-
-tos treinta y nueve. Guanabacoa = El algua-
-cil que se encargue de la presente citara con
las prevenciones de Ley al Doctor Don Jual Val-
-dés Valenzuela, vecino de Acosta veinte y
cinco para que á primera audiencia despues
de citado comparezca en este Juzgado á eva-
-cuar un acto de justicia en causa por —
Pues así lo he dispuesto en cumplimiento de
exhorto del Juzgado de Guanabacoa librado en
causa número cincuenta y uno noventa y siete
contra — = Habana diez y siete de Marzo de
mil ochocientos noventa y siete = Piracés = Juan
H. Vergel = Señor Juez = Quedó citado por ci-

-dula el Dor. D. Juan Valdés Valenzuela conte-
-nido en la presente. Lo que tengo el honor
de dar cuenta á Su Señoría = Habana Marzo
diez y ocho de mil ochocientos noventa y siete
Dr. Juan Valdés Valenzuela. f. 12 = Manuel Vargues = Doctor Don Juan Valdés Va-
lenzuela = En la ciudad de la Habana á diez
y ocho de Marzo de mil ochocientos noventa y
siete, en el Juzgado, ante Su Señoría y de mi
el Escribano compareció el Doctor Don Juan
Valdés Valenzuela, natural de Guanabacoa, ca-
-sado, de cincuenta y tres años de edad, médico
cirujano y vecino de Acosta veinte y cinco á
quien Su Sría instruyó de las penas con
que el Código castiga el delito de falso testimonio
en causa criminal y despues de prestar juramento
en nombre de Dios fué examinado convenientemente
y dijo: que hace muchos años es médico del in-
-dicado Don Antonio Ruiz Ygarrio y en tal con-
-cepto recuerda que aproximadamente habrá ocho
años asistió á dicho Señor de un pequeño ataque
de parálisis periférica: que no duda atacó la cara

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 2º A. 1896 á 97
100 PLIEGOS = 40 C

121.
N. 7.477.582

de un lado sin recordar el que habla precisamente si se extendió ó nó á todo el lado derecho del cuerpo, pues por el tiempo trascurrido no puede asegurar esto y los demás particulares de la pregunta de una manera terminante, recordando al mismo tiempo que dicha parálisis facial cedió en un plazo más ó menos largo - Á la repreonde que ha dicho la verdad, leyó lo escrito y conforme firma con su Señoría: doy fé = Piraces = Dor. Juan Valdes Valenzuela = Juan H. Vergel = El infrascrito encargado de f. 125 vta. párroco de la de término del Santo Angel Custodio de esta ciudad de la Habana - Certifica: que en el Libro once de defunciones de personas blancas de esta parroquia al folio veintinueve y marcada con el número setenta, consta una partida del tenor siguiente = En la ciudad de la Habana á veinte y uno de Enero de mil ochocientos cincuenta y

dos años: se hicieron los oficios de estilo en esta Iglesia auxiliar del Santo Angel Custodio y se dió sepultura en el Cementerio general segun certifica-cion de su Capellan al cadáver de Don José Ruiz Ugarrio, vecino de esta feligresia, el que falleció bajo disposicion testamentaria otorgada mancupa-tiva en la ciudad de Santander por ante el Es-cribano Don José María Don Martinez en veinte y tres de Octubre de mil ochocientos cuarenta y o-cho que en testimonio está protocolada en esta fe-cha en el archivo del Escribano público de esta ciudad Bachiller Don Bernardo del Junco por la que declara ser natural del lugar de Barcena de Cavriedo provincia de Santander, hijo legitimo de D. Antonio Ruiz de Ugarrio y de Dª Josefa Pacheco, de estado casado con Dª Joaquina Salvador con quien tiene por sus legitimos hijos á Don José Carlos, Don Francisco Isidro, Don Antonio Eduardo, Don Rafael Felix y Dª Enriqueta Froilan: hace la protestacion de la fé encomendada su alma á Dios Nuestro Sor. manda se dén dos reales á cada una de las man-das forzosas y los tres pesos de la pia patriótica, así

N. 7.477.583

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 7ª 1896-97

100 PLIEGOS 40 C

mismo declara bienes deudas y hace mejoras é ins-
-tituye por sus únicos y universales herederos á los
referidos sus hijos; nombra por albaceas, tutores y
curadores en primer lugar á Don Eusebio Ruiz Mar
-tero, Contador de Marina retirado vecino del pue
-blo de Llerona en dicho valle de Carriedo, en segun
-do lugar y por falta de aquel á Don Agustin N.
Granara de este vecindario y por falta de ambos en
tercer lugar á Don Cayetano Gutierrez de Arce, ve
-cino de Santander, no deja legado piadoso alguno
fué absuelto sub conditione recibió el Santo Sacra
-mento de la Extrema-Uncion; era de cincuenta y un
años de edad y la firmé = L. Ramon Maseda =
sigue una rubrica = Es copia de lo original. Y á
peticion del Sor. Juez de Primera Instancia de Gua
-nabacoa con fecha diez y seis de los corrientes expi
-do la presente en la Habana á veinte de Marzo
de mil ochocientos noventa y siete = Dor. Evaristo Mar

-tiner = Hay un sello que dice = Parroquia de tér-
Oficio f.127- -mino del Santo Angel Custodio. - Habana = Tengo
el gusto de remitir á V. S. la adjunta copia certi
-ficada de la partida de óbito de Don José Ramon
de Ugarrio que me interesó en su escrito de fecha
diez y seis de los corrientes no haciendolo igualmente
de la certificacion facultativa que en el mismo se
interesa por no haberla hallado = Dios gue. á V. S. ms
as. - Habana veinte de Marzo de mil ochocientos no
-venta y siete = Evaristo Martines = Hay un sello que
dice = Parroquia de término del Santo Angel Custodio
Habana = Sor. Juez de Primera Instancia de Guana-
Oficio de -bacoa = Consulado General de los Estados Unidos
f128- de America = Habana = Ilttmo. Sor. Juez de Pri-
-mera Instancia de Guanabacoa = Contestando su
atento oficio del diez y seis tengo el honor de ma
-nifestarle que estuve en Guanabacoa el dia y hora
nombrados en su oficio; que estuve en el edificio don
-de se efectuó la autopsia aunque no la presencié por
-que no lo guise, ni hubiera entendido gran cosa
sobre la misma; así no estuve en el cuarto donde
se practicó la aludida autopsia. El nombre del ca-

122.

N. 7.477.584

JUZGADO DE 1ra INSTANCIA DE GUANABACOA

SELLO 12.A.1896-97

100 PLIEGOS=40 C

-ballero que casualmente encontré iba para Guana-
-bacoa é invité para que mé acompañase se nom-
-bra Mor. Stephen Bonsal - Tengo el honor á V. S.
copia traducida de una carta del Dor. Burgess rela-
-tiva al asunto = Dios gue. á V. S. ms. a. = Habana
Marzo veinte de mil ochocientos noventa y siete =
Ofic. de 124 Fitzhugh Lee = Consul General = Traduccion = Haba-
-na Febrero veinte y cinco de mil ochocientos no-
-venta y siete = Fitzhugh Lee, Esq. Consul Gene-
-ral de los Estados Unidos, Habana = Muy Sor. mio
Habiendo acompañado á V. á Guanabacoa el dia
diez y ocho del corriente, estuve presente, como V.
sabe, y tomé parte en la autopsia practicada al
cadaver del Dor. Ricardo Ruiz, que falleció en un
calaboso de la Carcel de dicho punto el diez y sie
-te de dicho mes - A peticion de V. tengo el ho-
-nor de manifestarle que se practico por parte
de los dos médicos españoles que asistieron á la au-
-topsia, y mia, una amplia investigacion sobre las

causas que produjeron la muerte. No he recibido
copia alguna del acta de la autopsia, pero por mi
parte puedo decir que parece no hay señal de violen-
-cia sobre el cadáver ó miembros del mismo, pero si
una grave contusion en la cabeza como de pulga-
-da y media de largo por media pulgada de ancho.
El Dor. Ruiz falleció de congestion cerebral, y aun-
-que no estaba fracturado el cráneo, dicha contusion
en mi opinion, fué causada por golpe ó golpes que
aunque, como digo, no fracturaron el cráneo, eran
de bastante gravedad para producir la congestion.
Habia gran cantidad de sangre saliendo de la bo-
-ca: que pudiera ser el resultado de descomposicion
Soy de V. etc (Firmado D. M. Burgess, Inspector
Sanitario de los Estados Unidos = Guanabacoa Mar-
Pasan de f 130-
-zo veinte y tres de mil ochocientos noventa y sie-
-te = A su causa las anteriores comunicaciones
acuerse recibo al Sor. Consul de los Estados Unidos
y ofiese al Sor. Capellan del Cementerio de Colla-
-bana á fin de obtener la certificacion facultа-
-tiva de la muerte de D. José Ruiz de Negarrio.
Lo proveyó y firma S. Sria ante mi: lo certi-
-fico = Vega = Anastasio Arango = Nota: que se

SELLO 14ª A.s 1896-97
100 PLIEGOS=40 C
JUZGADO DE 1ª INSTANCIA DE GUANABACOA

123-

N. 7.477.585

acusó recibo al Sor. Consul y se libró el oficio dis-
Certf.n puesto: lo certifico = Arango = Pbro. Dn. Ambrosio
folio 131 Bueno y Moro Capellan de los Cementerios de esta
ciudad = Certifico: que segun consta en el Libro de
-tavo de enterramientos de blancos del Cementerio
de Espada, folio noventa y siete = En veinte y nue
de Enero de mil ochocientos cincuenta y dos se in
-humó en el nicho numero doscientos cuarenta y
seis de dicho Cementerio el cadaver de Don José Ruiz
Alegarrio remitido por el Sor. Cura de la Parroquia
del Santo Angel. Y á peticion del Sor. Juez de
Primera Instancia de Guanabacoa expido el presen
-te en la Habana á veinte y cuatro de Marzo de
mil ochocientos noventa y siete = Pbro. Ambrosio
Oficio folio 132 Bueno = En contestacion al atento oficio de V. S.
fecha diez y seis del que cursa, tengo que infor-
-mar á V. S. que estuve presente en el acto de la

autopsia del cadaver de D. Ricardo Ruiz designado para ese efecto por el Sor. Consul de los Estados Unidos - Dicho cadaver tenia en el vertice de la cabeza una contusion severa de cerca de una pulgada y media de largo por media pulgada de ancho - El Sor. Ruiz fallecio de una congestion cerebral y dicha contusion, aunque no se halló fracturado el craneo en mi opinion fué producida por golpe ó golpes que no fracturaron el craneo, pero eran de suficiente fuerza para causar una congestion - Dios g.de. á V. S. m.s a. = Habana y Marzo veinte y tres de mil ochocientos noventa y siete = Dor. D. M. Burgess = Inspector de Sanidad Americana = Sor. Juez de Primera Instancia de Guanabacoa = Gobierno General de la Isla de Cuba - Secretaria General = De órden del Exmo. Sor. Gobernador General remito á V. S. la adjunta comunicacion original que le dirije el Sor. Dor. Burgess Inspector de Sanidad americana referente á la muerte de Don Ricardo Ruiz = Dios g.de. á V. S. m.s a. Habana veinte y tres Marzo mil ochocientos no

Oficio f133

N. 7.477.586

JUZGADO DE 1ª INSTANCIA DE GUANABACOA

SELLO 2º A. 1895-97

$ 100 PLIEGOS = 40 C

-venta y siete = Marques Palmerola = Sor. Juez
Prov. 1º de Primera Instancia de Guanabacoa = Guana-
1134 -bacoa Marzo veinte y cinco de mil ochocien-
-tos noventa y siete = Recibida la anterior co-
-municacion con el oficio de Mr. Burgess que
se acompaña unase á su causa y acúsese recibo
al Ultmo. Sor. Secretario del Gobierno General.
Lo proveyó y firma Su Sria. Lo certifico =
Vega = Anastasio Arango = Nota: que se acu-
só recibo al Ultmo. Sor. Secretario del Gobierno
General: lo certifico = Arango. ———

Y en cumplimiento de lo dispuesto por el Señor Juez de Primera Instancia é Instruccion de este Distrito firmo la presente con su Visto Bueno, sellando con el de este Juzgado cada una de las fojas que contiene ó sean ciento veinte y cuatro. Guanabacoa Mayo veinte y cuatro de mil ochocientos noventa y siete = De la confronta y lectura resultan las siguientes correcciones = Entre lineas = dice = el que suscribe = al propio tiempo - de esta villa = presente = llorando = dicho = de esta villa = que = nos

dejó con el segundo = facilidades = de = hombre á un acto desespe-
-rado = otros = inocentes = al presente = pues = habitaciones = este =
ó quejarse á los pocos momentos = sin declaracion de responsabi-
-lidad alguna = hizo = si = Testado = l = que = y = que préva
lectura = otros = no valen = Enmendados = Lee = rudimentaria = en=
atrocidades = rebelion = acotados = ni = seis = alcaide = extravasacion
estado = intérprete = salido = servicios = Pepe Antonio = silla = años = lo.
-sa = intensisima = bromide = cincuenta = piso = si = valen así co.
-mo las entrelineas. La presente copia está sacada de la causa
número cincuenta y una del corriente año. Guanabacoa veinte
y cuatro de Mayo de mil ochocientos noventa y siete. ———

Maelzbotrango

Vto Bño

Vega

Nota = se agrega á continuacion el plano de la proyeccion
horizontal de la Cárcel de Guanabacoa. Lo certifico. ———

Maelzbotrango

N. 7.473.505

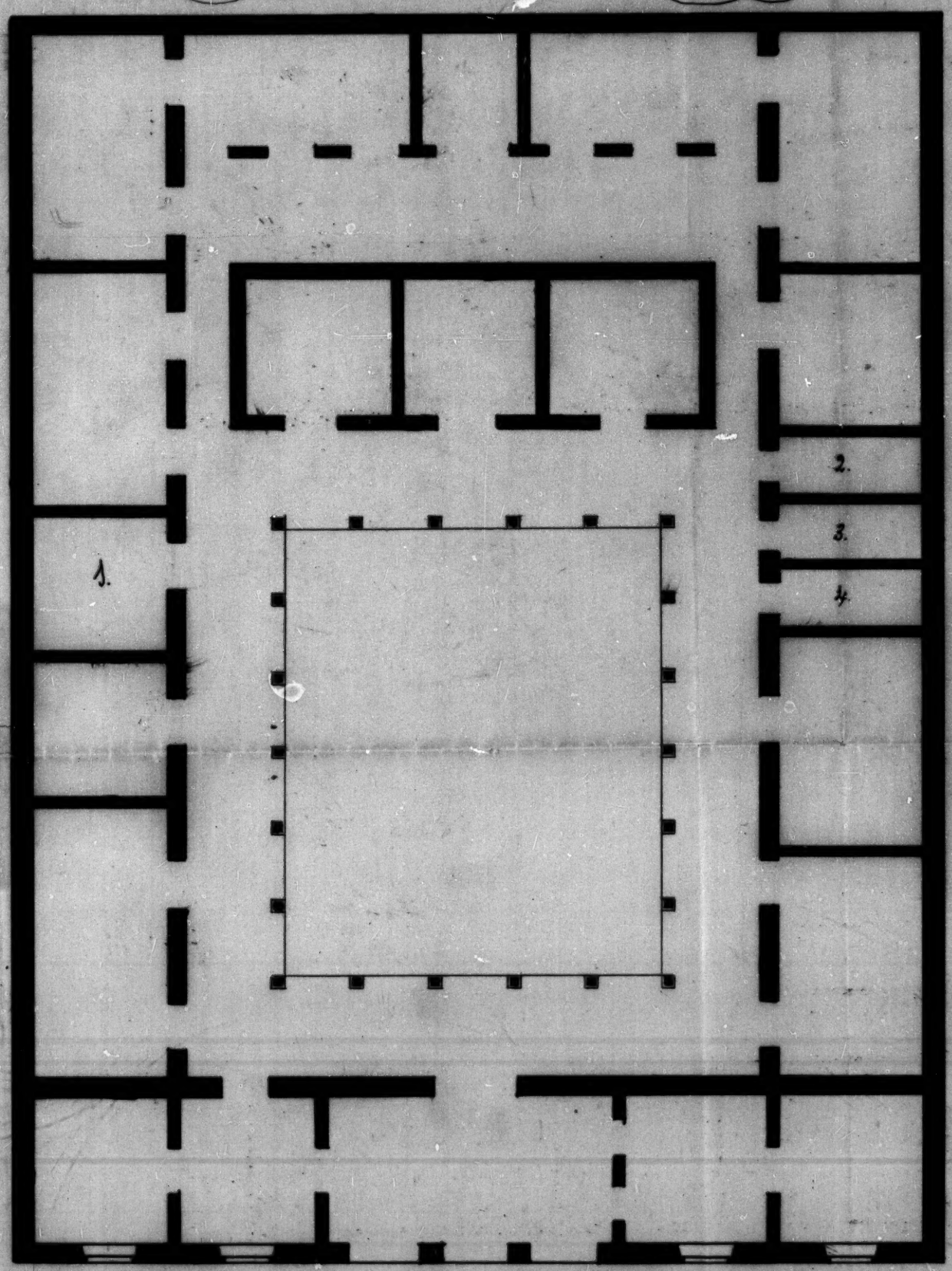
Copia de la proyeccion horizontal del plano de la Cárcel de Guanabacoa que, despues de construida, fué formado, en el año de 1873, por el Sor Coronel Graduado, Teniente Coronel de Ejército, Comandante de Ingenieros D. Rafael Cerero, con objeto de aprovechar la parte superior del edificio, proyectando un Cuartel para un Batallon de Infantería, cuya entrada se formaria, por construccion adicional, al fondo de la citada Cárcel.

Referencias

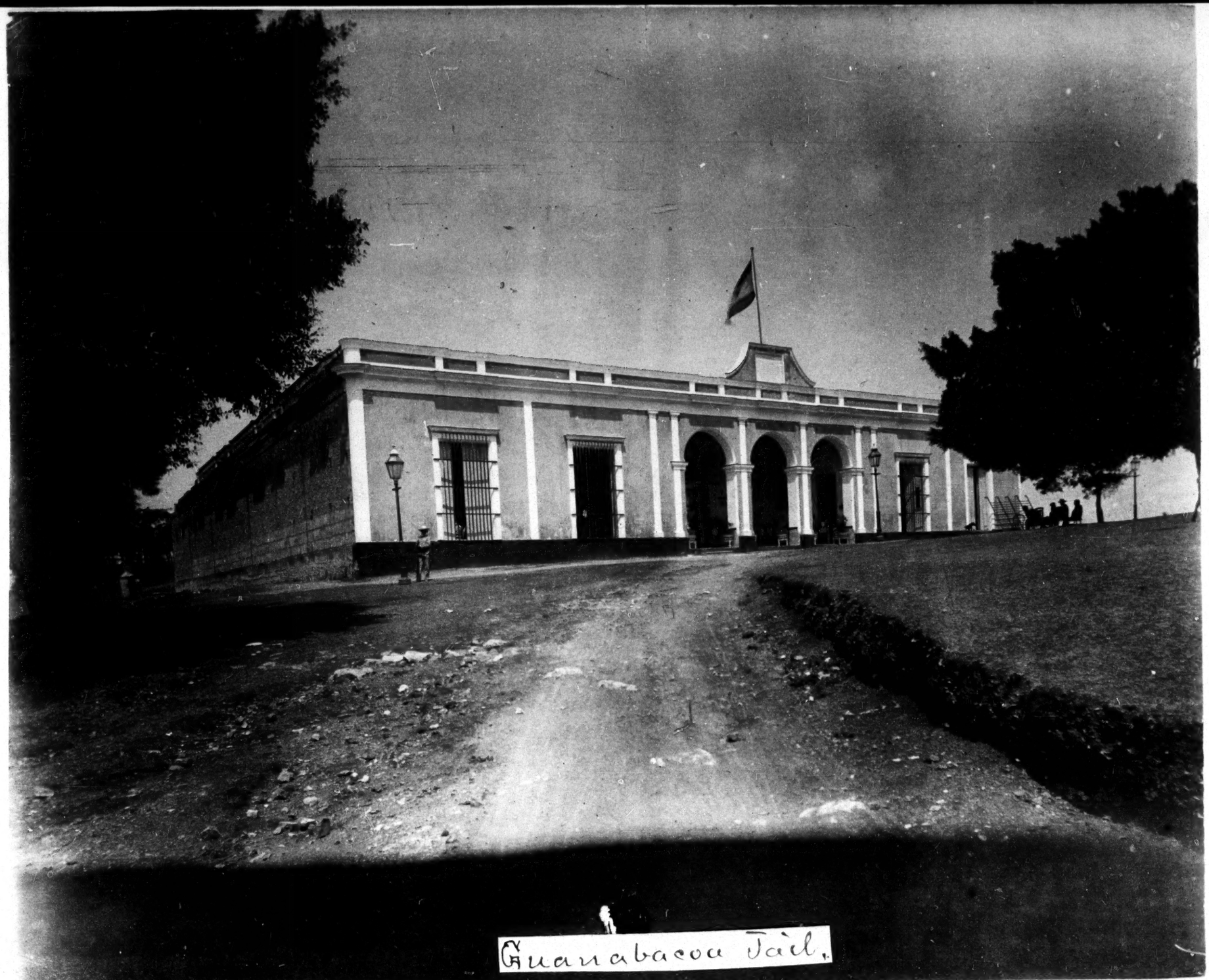
El número 1 marcado en el plano, indica el departamento, sala, ó galera que nombran de Santa María, y los 2, 3 y 4, los que se dedican para bartolinas.

Guanabacoa y Abril de 1.897.

Manuel Fernandez Clemente



Escala: $\frac{1}{200}$ igual á 0'005 por metro.



Guanabacoa Jail.

No. 5 View of Court of Guanabacoa Jail.

No 3.

No. 4 Interior view of Incommunicado Cell.
Taken from front.

Interior View of Incommunicado Cell.

Taken from back part, showing door.

Front view of cell where Dr. Ruiz died.

No. 6

Interior view of Santa Maria Cell, where Dr. Ruiz died

Rec'd. Mayo 25-1897 Casasus

(debe seguir las fotografías. Nota de C.A.S.)

TRANSLATION of the ACCOUT of the AUTOPSY as contained in the certified copy of the civil proceedings, taken from page 23 of the said copy:

In the town of Guanabacoa, on the 18th of February, 1897, at 4 p.m. appeared the Judge of Instruction of this District, together with the actual Secretary at the place occupied by the Sanitary Station with the object of proceeding with the autopsy of the body of Mr. RICARDO RUIZ UGARRIO, citizen of the United States, to where the body was transferred for the said purpose. Having arrived at the said place, where was also the Consul General of the United States accompanied by an interpreter, and Dr. Daniel M. Burgess in the presence of the said gentlemen the operation in question was begun by Doctors Francisco Vidal and Alvarado, who is the Municipal Doctor of this town, and Dr. José Martinez Castrillon, the Doctor of the Sanitary Hospital, who were first sworn according to legal form, promising to proceed correctly and truthfully with that with which they were charged and with no other object than the search and declaration of the truth. At the conclusion of the operation, which lasted an hour and a quarter, the Doctors declared as follows:

That having examined the exterior part, only they found a small abriasion on the top of the head which only involved the first surfaces of the skin about a centimetre long, more or less. Thereafter they proceeded to open the three cavities, beginning with the skahium, in which cavity was noticed a complete condition of congestion of the membranes and cerebral circumvallation with hemorrage, from which it is possible to judge with certainty that the death of this individual was caused by cerebral congestion.

Opening the ohter two cavities nothing special was noticed in them wotthy of mention. They state that they have

told the truth. That which was written was read to them and they signed, to which I certify.

It is to be stated that before this investigation was ended, or the continuation of it, the Consul General and the interpreter and the Doctor, who accompanied him, withdrew, as a consequence of which they did not sign the said investigation.

I certify to this. (Signed) Vega, and J.Martinez, - Francisco Vidal,- Rafael Galindo.

AMPLIFICATION of the MEDICAL REPORT.

In the twon of Guanabacoa on the 20th February ,1897,before the Judge of Instruction and the Secretary they appeared in the Court Francisco Vidal y Alvarado and Jose Martinez Castrillon, natives, respectively, of Guanabacoa and Asturias, married, of age, the first the Municipal Doctor and the second Civil and Military Doctor of this town.

The Judge took their oath, which they made in legal form promising not to have any other object than the discovery and declaration of the truth. Informed of the object of the investigation they said:

That by order of the Judge they proceeded on the 18th instant to perform the autopsy on the body of a man of the white race of about 46 years of age, more or less, which was lying on the operating table of the Sanitary Station, beginning with the examination of the exterior part of the body, where they found nothing that merited mention, with the exception of a small abriasion on the vertex of the head, about a centimetre, more or less, long, which only involved the first surfaces of the skin. Thereupon, they proceeded to open the cranium in which there was noticed a condition of congestion of great importance characterized by the repletion of the capillares, all of the membranes and both hemispheres, there being visible extravasasion of blood or hemorrage in the said organ.

This fact alone is sufficient to show that the death of this individual was the result of a cerebral hemorragic congestion. Notwithstanding that which is shown they proceeded to, according to law, to open the thoraxic and abdominal cavities, there being nothing in them worthy of mention. This si all which they state in compliance with their duty. They affirm that they have stated the truth, that they read that which is written and agreeing to it signed after the Judge to which I

certify. (Signed) Vega- J.Martinez- Francisco Vidal,Rafael Galindo.

SECOND AMPLIFICATION of the preceding autppsy.

In the town of Guanabacoa on the 6ht of March,1897,in the Court before His Honor,the Prosecuting attorney,Manuel Leon y Escobar,and before me,the Secretary,there appeared the Doctors of Medicine and Surgery Francisco Vidal y Alvarado and Jose Martinez Castrillon,already described,whose attention was called to their preceding oath. And who for the accomplishment of that which was ordered were examined properly by His Honor and said:

That they confirm their previous declarations concerning the autopsy and its amplification; that the lesion anderosion shown on the body of RUIZ,on the top of the head only involved the epidermical surface without having produced any damage whatever to the bone neither in its external surface nor in its diplee,and its internal surface which showed its characteristic white color,there notnbeing evident at the point corresponding to the external lesion any spot nor indication whatever which might show any affection of the bone,wherefore they consider that the said lesion could not have affected in any way whatever cerebral congestion; that in the thoraxic cavity they could notice a considerable hypertrophy of the cardiacal muscle,which might have been oneeftheecauses of the congestion; that in view of the condition of immense congestion and hemorrage in the cerebral mass they state that even in the case that immediate scientific attention could have been given

to RUIZ they think that this attention would have been ineffica cious to prevent the immediate result of death; and that the cerebral hemorragic congestion could have been produced by the violent efforts, the lesions of the heart, the robust constitution of the individual, the moral emotions and the nervous excit excitements of whatever kind.

And they affirm the truth of that which is said. There was read to them that which is written at their reuqest , and agreeing to it they signed after the Judge and the Prosecutin attorney, before me, to which I certify.- (Signed) Vega- Leon- Jose Martinez- Francisco Vidal- Anastasio Arango.

En la Cárcel de Guanabacoa

Inspección ocular.

Primeros informes.

(Versión taquigráfica de C. Martel)

Constituída la comisión en la Casa Consistorial de la villa de Guanabacoa, pasó, acompañada por el alcalde municipal Sr. Mauri, á visitar é inspeccionar la Cárcel y lugar donde falleció el Dr. Ruiz.

Es la cárcel un edificio cuadrangular de planta baja, y traspuesta su entrada principal se llega á un patio cuadrado como de 8 metros de lado, que lo cierran varias celdas para presos; delante de las celdas existe un colgadizo como de 2 metros de ancho que circunda todo el patio. El aspecto general del edificio es limpio, observándose que ha sido pintado recientemente.

Presente el Alcaide ó jefe de la prisión, fué interrogado por el Sr. Cónsul de los E. U. U. Mr. Lee, acerca de los siguientes particulares, sirviendo de intérprete en todo el tiempo que duró la información el Cónsul español Sr. Congosto:

El Sr. Lee: Cuál es la celda dónde fué encerrado el Sr. Ruiz?

Alcaide: (Conduciendo á la comisión frente á una celda pequeña, conocida por bartolina:) Esta primera, entrando, ó la tercera por el fondo.

(La comisión examina cuidadosamente la bartolina y ordena que se practique una medida de sus dimen-

siones.)

Mr. Lee: Cuándo trajeron aquí al Dr. Ruiz?

Alcaide: Entró el 4 de febrero y salió el 16.

Mr. Lee: Y cuándo murió?

Alcaide El día 17.

Mr. Lee: Cuándo lo sacó usted de aquí y á qué hora murió?

Alcaide: Por la mañana, serían las 7, y á la una había muerto, en aquella habitación (señalando hacia el frente, en el otro extremo del patio)

Mr. Lee: Quién estaba encargado de la vigilancia entonces?

Alcaide: Eso es por horas; pero entonces estaba de guardia este brigada (Señala á una escolta de cárcel allí presente.)

Mr. Lee: (Al escolta ó brigada) Dónde estaba usted cuándo el Sr. Ruiz se dió el golpe que le ocasionó la muerte?

Brigada: Aquí, al lado de la puerta, sentado en una silla

Mr. Lee: A ver, colóquese usted en la misma situación en que estaba entonces. (Así lo hace)

Mr. Lee: Y desde ese sitio se oye lo que pasa dentro de la celda?

Alcaide: Ya lo creo. Mire usted. (Da un golpe por el interior de la puerta, que resuena distintamente fuera.)

Mr. Lee: Qué hizo usted cuando oyó el golpe?

Escolta: Empecé á llamar, vino el señor (por el Alcaide) y lo llevamos á la enfermería.

Alcaide: Parece que el Sr. Ruiz tomó carrera desde el fondo y se arrojó sobre la puerta.

Mr. Lee: Y el Sr. Ruiz, al ser llevado á la Enfermería, fué por sus pies, andando?

Alcaide: Sí, señor.

(Se practica la medida de la bartolina: tiene ésta 5'84^{ms} de fondo, 2'50 de ancho por unos 5 de alto. La cierra una sola puerta, forrada por su interior con hojas de hierro de un milímetro de espesor. Estas hojas están sujetas á la madera por clavos de hierro cuyas cabezas sobresalen como un milímetro. Como á la altura de un hombre existe, superpuesta, una plancha de hierro pequeña, como de 20 por 60 centímetros. Al fondo de la celda existe un tragaluz de 60 por 22 centímetros, á una altura de 3'80^{m} del suelo, cruzado por dos hierros ó balostres.)

Mr. Lee: Esta celda se abre alguna vez durante la permanencia de algún preso en ella?

Alcaide: Sí, señor. A cada momento. Para la limpieza, para el rancho, y para que se ventile, se abre siete ú ocho veces al día.

Mr. Lee. Y esa puerta no tiene ningún ventanillo?

Alcaide: No, señor, ni lo ha tenido nunca.

(Se examina la puerta y se hace notar que no tiene señales de haber existido tal ventanillo.)

Mr. Lee: Hay aquí algunos presos que vieran cuando trajeron al Dr. Ruiz y cuando lo sacaron de esta celda?

Alcaide: Sí, señor; quedan todavía unos 25 ó 30 que lo vieron; porque como el patio es chico y llama siempre la atención cuando entra un preso nuevo, todos tenían que verlo.

Mr. Lee. Bien; indíquenos donde fué llevado el Dr. Ruiz después de recibir el golpe.

(El alcaide conduce á la comisión á otra celda, situada al frente precisamente de la bartolina que se inspecciona. Es, en cuanto al fondo, igual á ésta, pero de ancho doble. Se indica el lugar donde falleció el Dr. Ruiz que es uno de los ángulos de la celda, á la

izquierda de la entrada.)

Mr. Lee: Quién cuidaba aquí del enfermo?

Alcaide: (Señalando á un preso.) Aquí está; éste era el que le daba la medicina y lo cuidaba.

Mr. Lee: Y usted es empleado de la cárcel?

Preso: No, señor. Soy un preso

Alcaide: (Interrumpiendo) Es costumbre que los presos que observan buena conducta se les dedique á los servicios del establecimiento, como hacer reparaciones, pintar... y lo demás que haya.

El Sr. Kuig: Bien; y los reglamentos del establecimiento permiten eso, lo establecen así?

Alcaide: Ah, sí, señor.

Mr. Lee: Por qué está usted preso aquí?

Preso: Por disparo y lesiones. Ya me falta poco para cumplir.

Mr. Lee: Cuál es su nombre?

Preso: Agustín Amador Roca.

Mr Lee: Se ha dicho que el Dr. Kuig intentó, ya en esta habitación, arrojarse de nuevo sobre la pared: ¿usted lo vió?

Preso: Sí, señor, y lo sujeté aquí.

Mr. Lee: Bien; explique cómo fué eso.

Preso Se levantó, y tomando impulso así, iba á tirarse sobre la reja; yo estaba por fuera, y le puse las dos manos así. (El preso une la acción á la palabra y explica el suceso.)

Mr. Lee. ¿Qué médico lo asistía?

Alcaide: Al primer momento, cuando se dió el golpe, vino uno que está aquí preso; avisé enseguida al médico municipal, pero cuando llegó, ya había muerto el Dr. Kuig.

Mr. Lee: Y cuándo trató de arrojarse el Dr. Kuig sobre la reja, ¿antes de que le diera el ataque?

Preso: Antes del ataque; luego le entró el ataque, y no bastaban siete hombres para sujetarlo.

Mr. Lee: Cómo se llama el médico que lo asistió?

Alcaide: El Dr. Arango

Mr. Lee: Y ese médico que lo asistió ¿está cumpliendo condena?

Alcaide: Sí, señor; por causa política.

Mr. Lee: Y vino ese médico?

Alcaide: El médico municipal; pero cuando llegó ya estaba de cuerpo presente.

Mr. Lee: Cuál es el nombre del médico municipal?

Alcaide: D. Francisco Vidal, que fué el que le hizo la autopsia.

Mr. Lee: Cuándo lo trajeron á este cuarto, ¿vino el enfermo por sus propios pasos?

Preso: Sí, señor; vino andando, y hablaba muy bien cuando vino el inspector á verlo, pero luego empezó á disparatar como si estuviera loco.

Mr. Lee: Qué inspector es ese?

Alcaide: El de la cárcel.

Mr. Lee: Pero ese inspector es un preso, ó empleado del gobierno?

Alcaide: Es empleado del gobierno.

Mr. Lee: Cómo se llama ese inspector?

Alcaide: Don José Cañedo.

Mr. Lee: Cuánto tiempo antes de que muriera estuvo á verlo el inspector?

Alcaide: El Dr. Ruiz murió á la una y media, y el inspector estuvo por la mañana, de 7 á 8 próximamente.

Mr. Lee: Cuando se dió el golpe el Dr. Ruiz ¿que hizo usted?

Alcaide: Di parte al juez, que ordenó se le dieran los recursos médicos que necesitara, como se hizo.

Mr. Lee: Hay algún preso que viera trasladar aquí al

Dr. Ruiz?

Alcaide: Sí, señor; hay algunos. (Llama á un preso que se pasea por los corredores.)

Mr. Lee: ¿Como se llama usted?

Preso: Severino Almeida.

Mr. Lee: ¿Porqué está usted preso?

Preso: Por homicidio.

Alcaide: Ya está también para cumplir.

Mr. Lee: Vió usted cuando trajeron aquí al Dr. Ruiz?

Preso: Sí, señor.

Mr. Lee: Y vino caminando, por sus propios pies?

Preso: Sí, señor, caminando.

Mr. Lee: Usted sintió algo cuando el Dr. Ruiz estaba encerrado en aquel cuarto?

Preso: Sí, señor; oí un golpe fuerte.

Mr. Lee: Y no vió usted antes de oir el golpe entrar á nadie allí?

Preso: No, señor; el golpe lo oí dentro, sobre la puerta; pero el Dr. Ruiz estaba solo.

Mr. Lee: Usted desde aquí veía si se abría la puerta de la celda alguna vez?

Preso: Todos los días se abría para darle la comida, y cuando se pasaba la visita.

Mr. Lee: No oyó usted nunca quejarse ó gritar al Dr. Ruiz ó darse golpes dentro de la celda?

Preso: Algunas veces lo oía, sobre todo por la noche, en que con el silencio se oía más claro.

Mr. Lee: (al alcaide) No hay aquí alguna persona que esté presa por la misma causa que Ruiz?

Alcaide: Sí señor; pero entonces estaban incomunicadas, y no pudieron ver nada.

Mr. Lee: Bien; llame usted á uno.

(Comparece D. Justo Ruiz Lamar.)

Mr. Lee: Usted está complicado en el asunto del ferrocarril?

Lamar. Sí, señor.

Mr. Lee. Estaba usted incomunicado también?

Lamar. Sí, señor, en la bartolina aquella. (Señala la de al lado del Dr. Ruiz)

Mr. Lee. Cuánto tiempo estuvo usted incomunicado?

Lamar Estuve ~~un día~~ y seis días.

Mr. Lee. Entró usted en la carcel antes ó después que el Doctor Ruiz.

Lamar. Creo que fué la noche antes.

Mr. Lee. ¿Estaba juzgado usted ya?

Alcaide No, señor; estaba de causa pendiente.

Mr. Lee. Procesado por lo civil ó por lo militar?

Lamar. Por lo militar.

Mr. Lee. Usted estaba en el tren cuando lo tomaron la noche del descarrilamiento?

Lamar. No, señor.

Mr. Lee. A usted lo casaron con el Dr. Ruiz?

Lamar. No señor; á mí me confrontaron con el telegrafista; yo no conocía al Dr. Ruiz.

Mr. Lee. Oyó usted desde su celda algún golpe en la del Doctor Ruiz.

Lamar. Sí, señor, un día por la mañana

Declara después el telegrafista D. Santiago Romero. Su declaración cabe de importancia, por no haber visto nada á causa de estar incomunicado 36 días.

Afirma después el Alcaide, respondiendo á distintas preguntas que se le dirigen, que el Dr. Ruiz tomaba mucho café y fumaba, negándose á comer nada. Que fué tratado con consideración, y que no careció del mobiliario indispensable enviado por el escribano Sr. Galindo, amigo del Sr. Ruiz, á quien recomendó con interés.

Reunióse luego la comisión en la sala de actos de la Cárcel, donde deliberó largamente sobre el procedimiento que habría de seguirse en la continuación de sus trabajos de información suscitándose algunos debates con los señores Comarta y Roig.

A las cinco, próximamente, terminó el acto.

FILE

JUN 12 Ans'd

No. 509.

U. S. CONSULATE GENERAL.

INDEX BUREAU RECD JUN 8 1897 DEPT OF STATE

HABANA, June 2.1897.

5 maps received in Shaw may 11, 1898. MCH.

Mr. Lee

to the

Department of State.

----------o----------

Transmitting documents.

Maps, charts, plans of the Harbor of Habana, etc.

No. 509.

U. S. CONSULATE GENERAL.

HABANA, June 2nd, 1897.

Hon: William R. Day,

Assistant Secretary of State,

Washington. D. C.

Sir:

I have the honor to transmit herewith a number of documents which may prove of interest to the Department of State.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosures:

Documents referred to.

Triangulacion

Medida una línea de base en la parte S. de la Cruz de la Infanta, se situaron el pararayo S. E. del Castillo del Príncipe y el asta de bandera del castillo de Ataré; y medida otra línea de base en la parte N. de la misma calzada se situaron el mismo pararayo y el de la garita del Castillo del Morro. Se calculó y comprobó el gran triangulo Morro Príncipe-~~Ataré~~ Ataré: el lado Morro Príncipe igual á tres mil seiscientos cincuenta y siete metros, el Morro Ataré á tres mil trescientos treinta y siete y el Príncipe Ataré á dos mil seiscientos noventa y dos. Con relacion á los vertices de este triangulo se situaron los astas de banderas de todas las fortalezas, las cuspides de las torres de las iglesias y demas puntos notables de la ciudad; por medio de coordenadas referidas á la linea Morro Príncipe, tomandose el pararayo

Circunvalacion

de la Farola del Morro en una ex-
tension. Los puntos establecidos de
este modo y que sirvieron de re-
ferencia entre los planos parcia-
les y el general fueron veinte y
dos, cuyas coordenadas en las
siguientes:

Estaciones

	Abcisas	Ordenadas
Asta de bandera de la Bateria de la Reina	1743-50	350-30
" " " " " Sta Clara	2433-30	900-20
" " " Castillo de la Punta.	290-28	336-90
" " " " Sn Lazaro.	2925-80	280-43.
" " " " Atares	2360-30	2358-90
" " " " Cabaña.	3740-70	1039-30
Cruzeta de la torre de la iglesia Jesus del Monte.	3713-40	3763-00
" " " " " " del Cerro	4836-60	2099-60
" " " " " " " S. Nicolas.	1941-50	1834-00
" " " " " " " " Monserrate.	1311-30	605-62
" " " " " " " " Arrabalinas	1043-83	1043-59
" " " " " " " " Sta Catalina.	564-85	1445-00
" " " " " " " " Punta.	628-88	2218-77.
Eje de la Machina	1658-93	1919-14.
De la fuente situada en la interseccion de la Cruz de la Infanta y paseo de Tacon	2906-80	1432-30

Cuspide de la estatua de Carlos III si-
tuada en el paseo de Jacon = 2306-30=385-54.
Puente de Villarin, en la Orda. Infanta = 3230=90=1422-15.
" Chaves en la Orda del Monte = 2390=80=1723=10
Roma de Cuiza = 4031=00=4025=60
" " de los Jesuitas = 4289-10=615-51.

Baterías

Nº 1

Cuatro Obuses de 0m.21 howitzer de Tiro parabolico.

Nº 2

Dos Krup de 0'.305
Cuatro Krup de 0'150

Nº 3 - A"

Cuatro K. de 0'240
Dos K. de 0'150

Nº 3 B"

Cuatro Obuses de 0'21

Nº 4

Cuatro Krup de 0'150
Dos de tiro rapido de 0'057

Sta Clara

Dos Cañones de 0'305
Ocho Obuses de 0'21
Cuatro bronce viejo
Tres Krup de 0'280

Reina

Ocho de viejos de 0'150
Dos Ordoñez Nuevas

Príncipe

Ocho Obuses de 0'21

Cuatro Krupp 11 corto de 0'150

Alturas sobre el nivel del mar

	Metros
Faro del Morro	44
Castillo Atares	31
Batª Sto Clara	13
Cllo Príncipe	51

Iremos mandando mas datos, ~~pero~~ cuando que formen una idea completa de todo

Habana 3 de Abril

Triangulation

A line for a base was drawn South of the Calzada de la Infanta; and a lightning-rod was placed on the S. E. of the Castillo del Principe (fort) and a flag-staff on fort of Atares Another line of base was drawn North of same Calzada de la Infanta from same lightning-rod of Castillo del Principe to the lightning-rod of the light house of Morro-Castle.

The triangle formed by the three sides: Atares-Principe, Principe-Morro, and Morro-Atares were then measured.

The side formed by Morro-Principe is equal to three thousand six hundred and fifty seven meters.

The side formed by Morro-Atares is equal to three thousand three hundred and thirty seven meters

The side formed by Atares-Principe measures two thousand six hundred ninety two.

According to the vertices of this triangle they have placed the flagstaff of all the forts., the cusfides of church-towers and other noted points of the city, through coördinates referred to the line Morro-Principe and taking as origin the lightning of Morro light-house. Eighty points have been by these means designed and referred to in the partial and general plans. In order to avoid confusion only twenty three are noted, their coordinates being as follows:

Stations

Stations

Flag staff of Bateria de la Reina	1743.50 = 150-30
" " Sta Clara	2435.30 = 900-20
" " Castillo de la Punta	290.28 = 356-97
" " Castillo Sn Nazario	2925.80 = 280-43
" " Atares	2360.30 = 2358-90
" " Cabaña	370-70 = 1039-30
Cuspis of tower church Jesus del Monte	3713.40 = 3763-00
" " Cerro	4856.60 = 2099-60
" " Sn Nicolas	1971.50 = 1424-00
" " Monserrate	1311.50 = 605-62
" " Ursulina	1043.83 = 1543-59
" " Sta Catalina	564-85 = 1145.00
" " Paula	620-88 = 2218.77
" " Machina	165-93 = 1919.14
" of the fountain on crossing the Calzada Infanta ~~and paseo Tacon~~ and Paseo de Tacon	2906-80 = 432-30
" of statue of Carlos III on paseo de Tacon	2306-30 = 785-57
Bridge of Villarin, on Calzada de la Infanta	3230-90 = 1422-15
Puente de Chaves on Calzada del Monte	2520-80 = 1723-10
Loma (hill) de Luz	4031-00 = 4025-60
Loma " of the Jesuits	4289-10 = 615-51

Battery

No 1

4 howitzers of 0.21 parable

No 2

2 cannons Krupp of 0.305
4 " " " 0.150

No 3 A"

4 cannons Krupp of 0.240
2 " " " 0.150

No 3 B"

4 howitzers of 0.21

No 4

4 cannons Krupp of 0.150
2 rapid fire guns of 0.057

Sta Clara has 2 Ordoñez of 0.305
8 howitzers of 0.21
4 old bronze
3 Krupp of 0.280

Reina 2 small Ordoñez
8 old guns of 0.150

Principe 8 howitzers of 0.21

Morro 4 Krupp of 0.150

Heights

Light house	44	meters
Atares	31	"
Battery Sta Clara	13	"
Principe	51	"

FILE

Secretary of State.
JUN 7 1897

No. 510.

ASSISTANT SECRETARY
JUN 7 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JUN 5 1897
DEPT. OF STATE

HABANA, June 2.1897.

Abstract June 9, 1897
Ack'd. June 10, 1897

Mr.Lee

to the

Department of State.

----------O----------

Correspondence with the Acting Governor General regarding the the abandonment of the central "Victoria" estate in the Sagua district, and the un-roofing of a house near Matanzas belonging toJUSTO GENER.

----------O----------

Two enclosures.

----------O----------

No. 510

U. S. CONSULATE GENERAL.

HABANA, June 2.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to my despatch No.505 of the 29th.ultimo, in which I reported having presented to the Governor General, in obedience to the Department's telegraphic instruction of 26th ultimo, a protest against the orders of this Government for the abandonment of the central "Victoria" in the Sagua district, and the un-roofing of a house near Matanzas belonging to JUSTO GENER, I have now the honor to transmit translations of the answers received, to the effect that an inquiry would be made in the former case, and in the latter, that Mr.GENER had un-roofed the house of his own accord.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosures:-

1. Acting Governor General to Mr.Lee, May 29.1897.
2. " " " " 30.1897.

Enclosure No. 1.

With Despatch No. 510

Habana June 2., 1897.

Copy-translation.

ARMY OF THE ISLAND OF CUBA,

CAPTAINCY GENERAL, STAFF, SECTION CAMPAIGN.

To the Consul General of the United States,

Habana.

Sir:-

Upon having the honor of acknowledging the receipt of the official note which you were pleased to address me yesterday, asking to be informed whether this Government has issued orders for the abandonment of the estate "Victoria", belonging to an American citizen, and whether my authority has ordered the unroofing of a house near Matanzas, belonging to D. Justo Gener, who, I suppose, although it is not stated, is also an American citizen; I have to inform you that I do not know of any such orders having been issued, but if so, it must necessarily be due to the fact that the owner of the property has not for the purpose of continuing in occupation complied with the conditions provided by the ruling decrees (bandos); which refer to the security of persons and property, as well as to the payment of taxes, to which obligations foreigners as well as nationals are bound; nevertheless, I have asked for the necessary information relative to the matter referred to by you, and will communicate to you the result.

God guard you many years. Habana May 29th. 1897.

(sgd) El Marques de Ahumada.

General 2nd. in Command, and in Charge.

----------o----------

Enclosure No. 2
With Despatch No. 510
Habana June 2 ,1897.

Copy-translation.

ARMY OF THE ISLAND OF CUBA,

Office of the Captaincy General,Chief of Staff.

To the Consul General of the United States,

Habana.

Sir:-

As a continuation to my note of yesterday's date,I am pleased to inform you that I have received a telegram from the General commanding the Brigade of Matanzas,stating that the American citizen,Justo Gener,had,of his own free will,unroofed a house situated between Mocha and Matanzas.

God guard you many years. Habana May 30th.1897.

(sgd) El Marques de Ahumada.

General,2nd.in Command and in Charge.

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Habana

INDEX BUREAU
REC'D.
JUN 3 1897
DEPT. OF STATE

Confirmed June 5, 1897

June 2. 1897

Form No. 1516.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

DEPT. OF STATE
JUN 2 1897
CHF. CLKS. OFFICE
RECEIVED

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

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No. 21 Royal Exchange, E. C.
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LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

200 KPR GVT 25

RECEIVED at 942PM Washington D.C. June 2-97 189

Havana.

June 2---Assistant Secretary of State,

Washington.D.C.

Joaquin vargas american citizen arrested Remedios twenty eighth Ultimo. Have asked Charges and demanded treaty rights.

LEE.

ASSISTANT SECRETARY
DEPARTMENT OF STATE
JUN 3 1897

No 270

Personal

INDEX BUREAU
REC'D.
JUN 11 1897
DEPT. OF STATE

Consulate General of the United States.

Habana, June 2nd 1897

JUN 12 A.M.
Abstract

Hon Wm R. Day-
Asst Sec State
My dear Sir-

Owing to the disturbed & unusual condition of affairs on this Island, when I entered upon the discharge of the duties of Consul General one year ago, the Department of State made me an allowance to be used for secret service purposes - in the following terms - "You are allowed $1200.00 for the current fiscal year, commencing July 1st for such purposes as you may deem necessary, provided it is understood that you are not required to expend it as salary, and as such account for it to the Department - You will at such time as is necessary draw on the Secretary of State for the amount against the Emergency Fund." By means of this fund I have

been able to organize a secret detective system by which I am kept accurately informed of all that goes on in this City & in some other parts of the Island.

This is necessary in my opinion because a crisis may be reached here at any time, which should if possible be known in advance for the safety of american life, & secondly that I may be able to keep the Department fully informed of all that goes on upon both sides.

I express the hope that you may continue this allowance from the "Emergency fund" for the present or until otherwise directed, as without such action it must terminate at the End of this month.

I am induced to make this request because if there is an emergency anywhere it is found on this Island at the present moment.

I am very respectfully & truly yours

Theodore Roosevelt

No. 511.

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JUN 8 1897
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U. S. CONSULATE GENERAL.

HABANA, June 3.1897.

ASSISTANT SECRETARY
JUN 9 1897
DEPARTMENT OF STATE.

Ackd June 10/97
JUN 12 1897
Mailed

Mr.Lee

to the

Department of State.

---------O---------

Arrest of Mr.Joaquin Vargas,American citizen.

---------O---------

One enclosure.

---------O---------

No. 511.

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U. S. CONSULATE GENERAL.

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Abstract

Mr.Lee

to the

Department of State.

----------0----------

Arrest of Mr.Joaquin Vargas,American citizen.

----------0----------

One enclosure.

----------0----------

No. 511.

U. S. CONSULATE GENERAL.

HABANA, June 3.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to confirm my telegram of the 2nd.instant,reading:-

Habana June 2.1897.

Assistant Secretary of State,Washington.

Joaquin Vargas,American citizen,arrested Remedios, twenty eighth ultimo. Have asked charges and demanded treaty rights. (sgd) Lee

I also accompany copy of Vice Commercial Agent Springer's letter on the subject of the arrest of Mr.Vargas.

I am,Sir,

Your obedient servant,

Consul General.

Enclosure:-

Mr.Springer to Mr.Lee,May31st.1897.

Enclosure No.1.
With Despatch No.511.
Habana, June 3.1897.

Copy.

COMMERCIAL AGENCY of the UNITED STATES of AMERICA.

Caibarien, May 31st.1897.

Hon: Fitzhugh Lee,
U.S.Consul General,
Habana.

Sir:-

Mr.Joaquin Vargas, an American citizen residing at Remedios, was arrested by the Spanish authorities last Friday evening. An officer of the Guardia Civil, accompanied by two soldiers went to his residence, and after searching same, and his person, took him to the Remedios jail, where he now remains under arrest, or "Detenido".

On Saturday morning I went to Remedios, and called at the jail, and had an interview with Mr.Vargas, who informed me that he was ignorant of any reason for his arrest.

He is comfortable at the jail, and is allowed to see his friends when they call. He has many friends at Remedios.

Afterwards I called on the "Comandante de Armas" to see him about Mr.Vargas' arrest, and he informed me that he had received orders for Mr.Vargas' arrest from the Captain General, for it seems that documents and letters had been captured by the troops from Francisco Carrillo which implicated Mr.Vargas.

The "Comandante de Armas" assured me that as soon as he received any further instructions regarding the Case of Mr. Vargas he would advise me. Consequently all the I can do under the circumstances is to report to you.

I am, Sir, very respectfully,
Your obedient servant,
(sgd) James H. Springer.
Vice Com'l.Agent.

May 24/97
Hon Lott Sparkman

No. 512.

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U. S. CONSULATE GENERAL

HABANA, June 3.1897.

ASSISTANT SECRETARY
JUN 9 1897
DEPARTMENT OF STATE.

Mr.Lee

to the

Department of State.

Ackd June 10, 1897
to Lott Sparkman,
June 11, 1897
JUN 12 1897
Abstract

----------o----------

Departure of Mr.Francisco Milian for Key West on June 2.1897.

----------o----------

No. 512.

U. S. CONSULATE GENERAL.

HABANA, June 3.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the Department's instruction No.352 of the 27th.ultimo,and my despatch No.506 of the 29th.ultimo, relative to the case of FRANCISCO MILIAN,I have the honor to inform the Department that Mr.MILIAN sailed for Key West on the 2nd.instant.

I am,Sir,

Your obedient servant,

Consul General.

May 24
Joseph R. Taylor
South Norwalk Conn

Ack.d To J.R. Taylor
June 11, 1897

No. 5134.

U. S. CONSULATE GENERAL.

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RECD
JUN 8 1897
DEPT. OF STATE

HABANA, June 3.1897.

ASSISTANT SECRETARY
JUN 9 1897
DEPARTMENT OF STATE.

Mr.Lee

to the

Department of State.

---O---

Case of Samuel Rudder, shipped this day on board the American Schr."Eleanor".

---O---

No. 513.

U. S. CONSULATE GENERAL.

HABANA, June 3rd, 1897.

Hon: William R.DAY,

Assistant Secretary of State.

Washington. D. C.

Sir:

In reply to the Department's instruction No.349,of the 26th ultimo, I have the honor to state that SAMUEL RUDDER,who came to this city on the 21st March last,shipped to-day on board the American schooner "ELEANORE",Fred Newman, master, bound to Ship Island and Pascagoula.

He received a letter yesterday that came to the care of this office,from his brother Jacob to whom he had written,--as appears by the inclosure with said instruction,-- stating that he needed papers to prove his citizenship and obtain protection. No mention was made of his being in prison, nor has he been,but having spent all his means,he has shipped on an American vessel to the United States.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

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ASSISTANT SECRETARY
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DEPARTMENT OF STATE.

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JUN 10 1897
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No. 1614

U. S. CONSULATE GENERAL.

HABANA, June 3.1897.

Mr.Lee

to the

Department of State.

Ans'd June 9, 1897
JUN 12 1897
Hthaat

---------O---------

Transmitting copy of confidential instruction dated December 11th.1896.

---------O---------

One enclosure.

---------000--------

No. § 1 4.

U. S. CONSULATE GENERAL.

CONFIDENTIAL. HABANA, June 3rd, 1897.

Hon: William R.Day,

Assistant Secretary of State,

Washington. D. C.

Sir:

I have the honor to call your attention to an instruction without number dated December 11th, 1896, received from the Department of State, of which I accompany a copy, and to respectfully request that the matter may be re-considered and similar instructions in whole or in part, as may be deemed most judicious, be repeated for my guidance should accasion present itself.

I am, Sir,

Your obedient servant,

Consul General.

Enclosure:

Copy of confidential instruction referred to.

Enclosure No.1.
With Despatch No. 5 1 4.
H A B A N A , June 3rd,1897.

Copy.

Confidential. Department of State.

December 11th,1895 .

Sir:

As it is represented that under some circumstances riotous demonstrations may take place in Habana directed against the American consulate ,and against the lives and property of American citizens in Habana and that in such case the presence of a United States man-of-war at or near Habana may become desirable or even necessary,you are hereby instructed that,should the supposed exigency arise,the course to be taken by you shoul be as follows:

Application should at once be made to the Captain-General or other proper local authority,to protect the consulate and any American citizen whose life or property is endangered,by s sufficient police or military force. If upon application being made the Spanish authorities should take appropriate and adequate measures,any further action on your part will of course be unnecessary. If however the situation is such that,in your judgment,a U.S.man-of-war in or near the harbor of Habana is needed for the purpose of guarding the Consulate or for protecting the lives or the propertyof American citizens by affording a place of refuge,or otherwise,and if the Spanish authorities concur in that view,you may at once communicate with the U.S.S."RALEIGH",now stationed off Key West and request her Commander to come to Habana,--- adding,as part of your communication,that the Spanish authorities assent. If, however,the situation being as above described,the Spanish authorities do not agree with you as to the necessity of the presence of a U.S.man-of-war off or near Habana,you will at

once communicate by telegraph with this Department, stating all the facts and the reasons which lead you to believe that, notw withstanding the attitude of the Spanish authorities, the presence of such U.S.man-of-war at or near Habana is required.

I am, Sir,

Your obedient servant,

(Signed) RICHARD OLNEY.

JUN 9 1897
SECRETARY
DEPARTMENT OF STATE.

No. 515.

U. S. CONSULATE GENERAL.

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DEPT. OF STATE

HABANA, June 4th, 1897.

Dels. June 10, 1897
JUN 12 1897
Abstract

Mr. LEE

to the

DEPARTMENT OF STATE.

Relative to the relief of American citizens on this Island.

---

1 Enclosure.

No. 515.

U. S. CONSULATE GENERAL.

HABANA, June 4th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to inform the Department that the distribution of the fund for the relief of American citizens on this Island, is being slowly but satisfactorily proceeded with, care being taken to investigate, as far as possible, every application for relief. Many applications have been made without avail to this office by persons, who are not citizens, but whose needs impel them to ask in the hope of obtaining some possible relief.

In this connection I beg to accompany herewith copy of a letter received from our Consul at Sagua la Grande, Mr. Barker.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Mr. Barker to Mr. Lee, May 28th.

Enclosure No. 1

With Despatch No. 378

Habana June 4, 1897.

Copy.

United States Consulate,

Sagua la Grande, Cuba, May 28th. 1897.

Hon: Fitzhugh Lee,

Consul General,

Habana.

Sir:-

Relative to the relief of American citizens, I beg to report to you that on the first day I distributed food to 22 families, numbering 119 persons.

I decided it the most feasible plan to buy the supplies at wholesale prices, and issue rations to those located in Sagua, but in the adjoining towns, and places at a distance like Santa Clara, I must give them money, as it would be impossible to get food transported to these places.

While in doing this, relief has been given to many, I must confess that it is the most unpleasant duty of my life, as the destitute Cuban reconcentrados have besieged the Consulate, pleading for food, which of course it is not in my power to give; and which I know them to be in need of.

I am, Sir,

Your obedient servant,

(sgd) Walter B. Barker.

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EPT. OF STATE
JN-5,3.50PM 1897
F. CLKS. OFFICE
RECEIVED

TELEGRAM RECEIVED.

File 10

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INDEX BUREAU
RECD.
JUN 5 1897
DEPT. OF STATE

From Havana

June 5, 1897.

Received 3.46 P.M.

Asst Secy State,

Washington.

Calhoun Washington Tuesday

Lee

No. 516.

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REC'D.
JUN 10 1897
DEPT. of STATE

U. S. CONSULATE GENERAL.

HABANA, June 5.1897.

JUN 10 A.D.S.

Mr. Lee

to the

Department of State.

---------o---------

Clerical hire and messenger service of this office.

---------o---------

Asks approval of Order, will be presented at Habana for the President's signature when the Postmaster General returns. Allowance for messenger hire. Refers the arrangement with the Postmaster for messenger hire. Requires bi-monthly pay rolls and vouchers for messenger hire to be certified.

No. 516.

U. S. CONSULATE GENERAL.

HABANA, June 8.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In view of the near approach of the end of the fiscal year, I have the honor to ask your consideration of the appropriations for clerk hire and messenger service allowed to this Consulate General.

As the office was constituted here, when I entered upon the discharge of the duties of Consul General, there were, and are now

two Consular clerks, at $1,200.- each, per annum,	$ 2,400.-
two office clerks, at $1,200.- and $800.-	" 2,000.-
one clerk and messenger, at	" 1,200.-
making a total annual expense for said service of	$ 5,600.-

The clerical work of this office is very exacting and heavy. It is true that the former commercial part of the work has suffered reduction in amount of official fees for invoices, etc, since February 1895, in consequence of the war now waged here, but all other work has greatly increased, owing to the same state of affairs, because the damage to American citizens, American property, and the protection of American interests has been so much greater and demanded much additional labor. Mr. ROCKHILL, the Assistant Secretary of State when I was first appointed, told me in his office in Washington, that this was the "hardest worked Consulate in the service", and I have no reason since my arrival here to doubt the correctness of his views.

In view of the fact that Mr. Rockwell desires to be transferred to some other post, I would recommend such transfer as tending to economy, but to keep up the efficiency of the office, as the amount for clerk hire for the next fiscal year has already been fixed by an appropriation of Congress, at $2,000.,

No. _____

U. S. CONSULATE GENERAL.

HABANA,

I would recommend that the Department allow the office the sum of $1,400.- for messenger service for the next fiscal year, instaed of $1,200 now paid. The following would then be the organization of the clerical force:

one consular clerk at $1,200/ per annum, .	$ 1,200.-
two clerks, paid from the allowance for clerk-hire, at $1,200. and $800. per annum,)	" 2,000.-
one clerk and messenger, from allowance as proposed for messenger service, . .)	" 1,100.-
one messenger, from ditto, ...	" 300.-
making a total amount of, ...	$ 4,600.-

being a reduction in the total expense of clerk hire and messenger service as now paid, of $1,000 per annum.

It will be observed that the duties of clerk and messenger are at present performed by one person,-- Mr. Ernesto Tosca, but the combination is not satisfactory, because a good clerk is generally a poor messenger, and vice versa, but it was the only way to get the necessary number of clerks to do the work required. Then too, it is often inconvenient as well as detrimental to the public service to call a clerk from his desk to carry messages. A messenger boy who has no other duties to perform except to go to and from the Post Office, government offices, etc, etc, would be of great service.

I am, Sir,

Your obedient servant,

Richard Lee

Consul General.

RECEIVED JUN 7 1897 DEPT. OF STATE

ASSISTANT SECRETARY JUN 7 1897 DEPARTMENT OF STATE

24

TELEGRAM RECEIVED.

From Habana

June 7, 1897.

Received 2 46 P.M.

Asst Secy State,

Washington D.C.

Confirmed June 9, 1897.

American Manuel Ruiz Porras arrested Trinidad twenty ninth ulto, asked for charges and demand treaty rights

Lee

ASSISTANT SECRETARY
JUN 14 1897
DEPARTMENT OF STATE.

No. 5 1 7.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JUN 12 1897
DEPT of STATE

HABANA, June 7.1897.

Ack'd to Cienfuegos June 15

Mr.Lee

to the

FILE

Department of State.

----------O----------

Transmitting copies of letter, and petition from Sancti Spiritus respecting the non-recognition as U.S.Consular Agent of Mr. Rafael Madrigal.

----------O----------

Two enclosures.

----------O----------

No. 5 1 7.

U. S. CONSULATE GENERAL.

HABANA, June 7.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to transmit herewith copies of letters received from Sancti Spiritus, which will no doubt prove of interest to the Department. 1/2

The questions of the delay in the recognition of Mr. Rafael Madrigal as United States Consular Agent at Sancti Spiritus, has already been brought to the attention of the Department in despatch No.451, of 27th. April, and, as advised by instruction No.333 , of May 8th. to our Minister at Madrid, but Mr. Madrigal's exequatur has not yet been received.

I am, Sir,

Your obedient servant,

Consul General.

Enclosures:-

1. Mr. Valdivia to Mr. Lee, May 28.1897.
2. Petition.

Enclosure No. 1.
With Despatch No. 517.
Habana June 7,1897.
---
copy.

Sancti Spiritus,
May 28th.1897.

Hon: Fitzhugh Lee,

U.S.Consul General,Habana.

Sir:-

I have the honor to state that on the 24th.of this month a Spanish column,commanded by Col.Palanca,brought into town twenty five bulls belonging to me which the troops seized on their way from Placetas as they passed through a farm of myself and brothers,named "La Concepcion",located in the"barrio" or rural ward of Santa Lucia. I have since been doing my best to recover my property. Mr.Madrigal,the Consular Agent,representing that he had no power to act,addressed a letter to the Commandant who orally promised to look into the matter and did nothing: the Mayor,whom I saw too,offered also redress,but all to no avail: part of the cattle have been slaughtered at the slaughter house for the troops encamped in town and the rest distributed among three or four parties,some of whom employ themselves in the service of convoys. The "Mallorca" infantry keep a mule and the Spanish garrison of one of the neighboring forts a horse of mine for two months past. I have gone through a good deal of trouble and expense trying to get both animals returned to me,but in neither case have I succeeded.

Now there exist an order of the "Gobernador General",dated the 23rd.of March,and a circular and law of the 12th.and 24th. of January 1896, special reference to the two latter being made in the former; these laws cover my two cases respectively,and without the least doubt entitle me to the devolution of all animals,or else,to payment of their appraised value. Precisely,on Tuesday we had a test case here. Mr.Francisco L. del Valle,an American citizen like myself,obtained retribution

for the use made by a Spanish force of some oxen of his that were taken from his "Natividad" sugar estate in this district, and moreover, several oxen resulting missing at the time of restitution, the Spanish authorities offered the proprietor, as due compensation for his loss, the same number of bulls instead, and the offer was readily accepted, as assented in a statement, which I hold, subscribed by Mr.L.del Valle's man of affairs, Don Leopoldo Castillo; one, at least of my own bulls heretofore referred to having actually been selected for the purpose. Of course, I have abundant proof to offer in testimony of every assertion I make, and my cattle, horses and mules are duly registered as by law directed.

I have also to state to you that I have got ready in the form of an affidavit a claim I desire to prefer against the Government of Spain in order to recover the loss suffered by damages sustained during the war. Such an affidavit must of necessity be previously sworn to before I forward it to the Secretary of State, but Mr.Madrigal declines to take my oath, always because of the exequatur, and as I cannot go to Cienfuegos, being entirely destitute of means, this causes me an unnecessary delay.

I wish you would also kindly take notice of this further plight in which I find myself involved.

Hoping to hear soon from you in respect to all the particulars I submit to your consideration, I remain, Sir,

Yours respectfully,

(shd) José de Jesus Valdivia.

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Enclosure No. 2

With Despatch No. 517-

Habana June 7, 1897.

copy.

Honorable Fitzhugh Lee,

U.S.Consul General,

Habana.

Sir:-

WE, the undersigned, American citizens residing at the city of Sancti Spiritus, respectfully wish to state that our interest invested in this district, together with that of those Americans who reside abroad or who have left since the war commenced, amount, according to a moderate estimate, to no less than one fourth of the rural wealth of the district; indeed, of the five sugar estates, the four most important belong either to Americans or to American concerns, extensive tracts of land used as feeding ground for the raising and fattening of cattle, and a large proportion of cattle are of American owership. Besides, we and our families number fifty individuals, consequently we have in town, as we should, a proper representative of the United States in the person of Mr. Rafael Madrigal, the Consular Agent, duly appointed some five or six months ago when ~~when~~ the Agency at Zaza was moved to Sancti Spiritus; but it occurs that since Mr. Madrigal is not in possession of his exequatur, he alleges that he cannot render any service whatever to any of us when he is called upon so to do, either in his character of Consular Agent, or in his capacity of Notary Public. On the other hand the nearest American representatives reside at Trinidad and Cienfuegos, two places with which it is not easy to communicate with such promptness as the case may command.

The condition of affairs existing in the Island most imperiously demands that the Consular Agent be fully empowered to act in our behalf whenever the necessity arises for us to claim the lawful assistance and protection we are entitled to.

Therefore,we respectfully submit all this to your consideration,expecting,Sir,that you will take such measures as you may deem most advisable.

Sancti Spiritus, May 28th.1897.

(sgd) Lcdo.Joaquin M.Perez.

(sgd) Augustin M.Zamayo.

(sgd) A.Yznaga.

(sgd) José de Jesus Valdivia.

(sgd) Mateo Luis Perez y Peña.

(sgd) Barbara Yznaga.

(sgd) Sofia Olozabal viuda de Medina.

(sgd) Rafael Rubio,for Catalina Hernandez.

(sgd) Felicidad Diaz viuda de Camejo.

(sgd) Candelaria Camejo.

(sgd) Fedco.R.Navarro,D.D.S.

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ASSISTANT SECRETARY
JUN 12 1897
DEPARTMENT OF STATE.

JUN 14 1897
Acknowledged
Abstract.

No. 518. CONFIDENTIAL.

U.S. CONSULATE GENERAL.

HABANA, June 8th, 1897.

Mr. LEE

to the DEPARTMENT OF STATE.

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Relative to "reforms" for Cuba.

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1 Enclosure.

No. 518. CONFIDENTIAL.

U. S. CONSULATE GENERAL.

HABANA, June 8th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to enclose herewith copy of my despatch No.346 of the 13th February,1897,on the subject of "reforms". The papers have recently stated that the Queen of Spain has duly signed the reforms agreed upon,and also that the Spanish steamer was kept waiting a day that they might be brought as soon as possible to the Island. I am informed,too,that these reforms have been lying in the office of the Governor and Captain General for some weeks. I hear nothing of their promulgation in the near future. These are the same reforms to which my despatch refers,and which were telegraphed here last pebruary,when an agreement was first reached as to the terms. I feel it my duty to call to your attention that neither the Spanish,or the Cubans,or the Spanish army,or the forces of the insurgents seem to take the slightest interest in said reforms, and their presence in Habana has not produced a ripple upon the surface of affairs.

No one who is well acquainted with the existing conditions now, has any hope that Spain can grant reforms approximating , even,to Canadian autonomy,such as is so often mentioned.

England is not Spain,or are the Canadians,Cubans. The financial condition of Spain and the amount of the Cuban debt will always prevent Spain from relinquishing her hold upon the purse strings of the Island,or committing or transferring the

No.

U. S. CONSULATE GENERAL.

HABANA,

---

regulation of the finances here to the hands of an insular assembly, whether elected by a free vote of the whole number of electors or by the representatives of a portion of the people. I say with the greatest confidence that since my arrival here one year ago, I have not been able to find any reform or autonomist party of any kind, sort or description on the Island. At one time there was an autonomistic party, but being left far to the rear in the march of events, the members broke ranks and no longer answer to roll call.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

Despatch No. 346, February 13, 1897, referred to.

Enclosure No. 1

With Despatch No. 518

Habana June 8, 1897.

Copy. U.S.Consulate General,

Habana Feb.13.1897.

Hon:W.W.Rockhill,

Assistant Secretary of State,

Washington.

Sir:-

The publication of the"Spanish Reforms"for the Island of Cuba has produced no impression,no excitement and no interest here.

FIRST: Because a limited restricted form of lacal self-government is not that autonomy,which means that the country must have the right of establishing the Government which it considers best,unexposed to interference,or with an autonomy either which produces a community that governs itself and embraces the conditions of Self Government or Home Rule.

SECOND: The council of administration or legislative assembly of 35 members will be controlled by the Spanish element, because there is no provision made for the revision of the electoral register; therefore the ultra Spanish party will easily control the majority of the 21 elective members of that body,as certainly as they will control the remainning 14.

THIRD: Were such legislative assembly really controlled by public sentiment and were measures passed objectionable to Spain,power is given to the Governor General to veto the measus which veto must be submitted to the Minister of the Colonies in Spain and if said Minister sustains the action of the Governor General and the Minister is in turn sustained by the Madrid Cabinet,the popular will can be surmounted.

FOURTH: While the legislative assembly is allowed to designate the form of revenue the said action amounts to nothing, if the expenditures cannot be curtailed.

CRANES

The amount of these expenditures are fixed by the Cortes in Spain.

FIFTH: All Spanish products are accorded 40% protection. The system here has been to multiply invoice value by 3,so this 40% means really 120%,as the duty charged on imported products.

SIXTH: The Madrid Government nominates the principal officers of the Island,including judicial officials and Governors of Provinces. The appointment to offices,not especially reserved to the Spanish Government,can be conferred upon Spaniards,who have resided two years in Cuba,which practically means they will have a large majority of such offices.

And SEVENTH: No provision or arrangement is made for payment of the debt of Cuba,and there is nothing to prevent Cuba being called upon to pay the whole amount of said debt.

I see no prospect of peace on the basis of such reforms, and if peace should be in any way established it will be temporary in its results.

I am sure the situation has not changed,and there will be no permanent revival of credit,by the promulgation of reforms which do not reform,and I am informed that those now in the Insurrection will not accept them.

I am,Sir,

Your obedient servant,

(sgd) Fitzhugh.Lee,

Consul General.

SECRETARY
JUN 10 1897
DEPARTMENT OF STATE.

TELEGRAM RECEIVED. Cipher

INDEX BUREAU
RECD.
JUN 10 1897
DEPT. OF STATE

Confirmed June 11/97

From Havana

June 9, 1897.

Received ____ M.

Assistant Secretary
State
Washington, D.C.

Only two copies of the report in existence; one was placed in my private desk, other given Fishback. Bryson(?) Journal correspondent here affirms he sent no such report. I gave out nothing of course. Clerk who copied declares he said nothing. Your despatch says "Journal tenth". Suppose seventh meant as Fishback should have reached Washington eighth. No papers here later than sixth. Will not Journal say how obtained information.

Lee.

ASSISTANT SECRETARY
JUN 14 1897
DEPARTMENT OF STATE.

No. 519.

U. S. CONSULATE GENERAL.

HABANA, June 9.1897.

INDEX BUREAU
REC'D.
JUN 12 1897
DEPT. OF STATE

Mr.Lee

Acknowledged.
JUN 16 1897

to the

Department of State.

----------O----------

Trial of the "Competitor" prisoners.

----------O----------

One enclosure.

----------O----------

No. 5 1 9.

U. S. CONSULATE GENERAL.

HABANA, June 9.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

Having learned that the trial of the prisoners of the "Competitor" now confined in the Cabaña fort,was set down for July 1st,and that the cases of Ona Melton and William Leavitt had been separated from those of the other four prisoners,I addressed an official communication to the Governor General on the 6th.instant,asking to be informed,- if this information was correct,where the trial would take place,and before what court.

I also enquired concerning the present status of the case of Melton and Leavitt. No answer has yet been received..

I am,Sir,

Your obedient servant.

Fitzhugh Lee

Consul General.

Enclosure:-

Mr.Lee to the Governor General,June 5th.1897.

Enclosure No. 1

With Despatch No. 519.

Habana June 9, 1897.

copy-translation.

U.S.Consulate General,

Habana June 5th.1897.

To His Excellency the Governor and Captain General

of the Island of Cuba. etc. etc.

Excellency:-

I have received information that the Marine Judge of Instruction has stated that the "Competitor" prisoners, Elias Vedia, Alfredo Laborde, Charles Barnett and William Gildea, now confined in the Cabaña fortress, would be tried on the 1st. of July next.

I respectfully request to be informed, if this information is correct, - where said trial will take place, and before what court, in order that I may make any arrangements that may be necessary to assist in the defense.

I also respectfully beg Y.E. to inform me on the present status of the cases of Ona Melton and Charles Leavitt, as their names are not included in the list of the "Competitor" prisoners who are to be tried as before stated.

God guard you etc.

(sgd) Fitzhugh Lee.

Consul General.

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SECRETARY
JUN 14 1897
DEPARTMENT OF STATE.

No. 5 2 0.

U. S. CONSULATE GENERAL.

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REC'D.
JUN 12 1897
DEPT. of STATE

HABANA, June 9.1897.

Acknowledged.
JUN 16 1897

Mr.Lee

to the

Department of State.

---------O---------

Claim of Mrs.Carmen G. de Terry.

---------O---------

One enclosure.

---------O---------

No. 5 2 0.

U. S. CONSULATE GENERAL.

HABANA, June 9.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to my despatches Numbers 467 and 492 of May 8th.and 26th.respectively,relative to the property of the American citizen,Andres Terry,I have the honor to transmit a copy of a note of protest made by Mrs.Carmen G.de Terry against the recent action of the Spanish Government in the premises.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Mrs.Terry to Mr.Lee,June 8th.1897.

Enclosure No. 1

With Despatch No. 520.

Habana June 9.1897.

Copy-translation.

Habana June 8th.1897.

To the

Consul General of the United States, Habana.

Sir:-

Through the medium of your office I have asked the General Government of the Island to be permitted to send a commissioner or person of my confidence to the plantation "Cayajabos" to examine into the condition in which it has remained since its recent destruction; and that that person shall be furnished with the necessary assistance in order to reach the place.

The General Government has refused this just claim, as I have been informed by the Consulate General.

I therefore protest in the name of my husband, the American citizen, Andres Terry, against this refusal of the Spanish Government.

I beg that you will send a copy of the protest to the Hon: Secretary of State.

Please accept, Sir, the assurances of my most distinguished consideration.

(sgd) Carmen G.de Terry.

No.5 2 1.

U. S. CONSULATE GENERAL.

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REC'D.
JUN 12 1897
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HABANA, June 9.1897.

Mr.Lee

JUN 15 1897
Ackd. + copy to Jas. McLaughlin,

to the

Department of State.

----------O----------

Case of Mrs.Mary Mills Fisher.

----------O----------

No. 5 2 1.

U. S. CONSULATE GENERAL.

HABANA, June 9.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the Department's instruction No.354,of 28th.ultimo,and enclosure,requesting information concerning the citizenship of Mrs.Mary Mills Fisher,said to be a resident of this city,I have the honor to inform you that Miss Mary Mills,who is a citizen of the United States,and formerly taught school in New Orleans,is registered in this Consulate General since 1879,and has been engaged ever since in teaching in this city. She is now about 48 years of age; informs me that she has no suit against the city of New Orleans,and that she is unmarried.

In the British Consulate General I learn there is registered,as a British subject,Mary Fisher,a native of Virginia, about 44 years of age,married.

In the register of the German Consulate,the name does not appear.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

UNITED STATES CONSULATE GENERAL

HABANA, CUBA June/9th. 1897.

(Personal) Private

Hon. Wm: R. Day,

Assistant Sec. State,

Washington, D. C.

My Dear Sir:

In order to give you an idea of what is occurring on this Island, a type written copy of the last report I have received from a scout accompanies this letter just as he has written it. I have also to add that I have received another report from a trustworthy American that Fondesvelia, the Spanish Commander of the Guanabacoa Zone, killed yesterday (Letter written on 7th.) without cause 22 "Pacificos" or non-combatants.

I also have the honor to report a private letter from the United States Commercial Agent at Sancti Spiritus, says, that he saw himself "3 prisoners brought into that town who had been horribly cut up with Machetes, they were carried on horses through the streets, one of the poor fellows had his head cut entirely off, another was almost split in two, the sickening procession went slowly on leaving its bloody traces behind and raising protest even from the Spanish Officers billeted in houses of several friends of mine." The same person also writes me that he was in the Cemetery at Sancti Spiritus on the 3rd. of June and that he saw the bodies of 22 persons who had died the day before and were brought there before 10 o'clock in the morning to be buried. He

UNITED STATES CONSULATE GENERAL

Hon.Wm:R.Day,

Personal

HABANA, CUBA ..... 189 .....

says that there are over 800 soldiers in the hospitals of that little town, that the largest church in the town, located in the principal part of the city, has been seized and used for a hospital, that the stre-ets and sidewalks are used in every direction by the soldiers, encamped in the town, to relieve them selves, and that the sanitary condition of the place is growing worse and worse.

Again - a Mr.Orr, an Englishman who is acting Supt. of the R. R. from Habana to Pinar del Rio - that road being under control of English Capitalists - said that he saw at Mariano - a town 8 miles from Habana where there are quite a large number of "Re-concentrados" - a Cuban father carrying out to be buried, with the aid of one son, the dead body of another, this poor old father told Mr.orr that this had been the fifth son who had died from starvation, Palm leaves were tied around the body in lieu of a coffin, the body being placed upon two poles, the father carryingone end, and son the other.

Mr.Orr also stated that he saw some Spanish soldiers who had left the hospitals, although almost too weak to walk, because they had had nothing to eat, and were attempting to join their companies, thinking they would get something to eat there.

The above accounts are but samples of what I am daily receiving from different parts of the Island. The sickly and wet season has commenced in earnest in the last few days, a large quantity of rain falls each day, followed by hot suns, the streets and side-walks in front of this Consulate - as I write - are filled with water, probably to a depth of three or four feet.

Hon.Wm:R.Day,

Personal.

UNITED STATES CONSULATE GENERAL,

HABANA, CUBA ..... 189 .....

"The rainy season" interferes with the Military operations - so called - in the interior of the Island because the ground becomes too soft for the move ment of troops.

General Weyler has published a Proclamation stating that the war would now be carried into the eastern Provinces of the Island and ordering all the country people within those Provinces to abandon their homes and come within his lines, after which he has returned to his Pala--ce here. I can not ascertain that any additional troops have been sent to that section, so I am inclined to believe that the Proclimation was issued for Govermental consumption at Madrid. It is certain that the Insurgents occupy nearly all of the Province of Puerto Principe east of the "Moron - Juraco Trocha" and as well as the whole Province of Santiago de Cuba - out side of a few towns - and roam through both at their pleasu --re, indeed it was reported some time ago that Gomez had issued a Procla--mation declaring those two Provinces pacified!

If it be agreable to you, I can sometimes write you privately as I do now, keeping you personally posted as to many of the incidents happening in our midst. The Spanish papers are not allowed to publish any war news because the Provinces are supposed to be pacified and our American newspaper men sometimes build largely on small foundations.

I am Sir,

Very truly yours,

Fitzhugh Lee

One enclosure.

(Copy)

Report Scout

II

On the 2nd. June the Rebel Chief Laso destroyed a fort and hanged five Civil Guards at Taironas, 8 kilometers from town of Pinar del Rio (West).

On 3rd. June. at Santa Isabel, 6 miles from Candelaria (West) & Guerrillas left town to get provisions, was attacked by Rebels, Guerrilas retreated with great loss besides six going over to the Rebel ranks.

On 4th. June, Rebels attacked the Habana R. R. train at 8.50 a.M. between stations called Rio Seco and San Nicolas (Prov. Habana first station beyond Guines)

On 5th. June, Rebels attacked Habana R. R. train at Aljovin between the stations Duran and Guara, next station beyond San Felipe towards Guines (Prov.Habana) It occurred at 5.I5 P. M. train carried 280 men (Troops)

On 5th.June Rebels attacked the town of La CasalinaR. R. sattion 8 miles beyond Guines (Prov. Habana) Several houses and a church burned, all provisions arms and ammunition carried off by the Rebels. Aranguren commanded.

On 5th. June, (Morning) Col. Aguilera commanding Column called Almana started from town San Nicolas (Beyond Guines R.R.sattion) and found in the fields an old man, 72 years of age, digging potatoes for his family, he was arrested and one of the soldiers of the rank was ordered to cut him down with the Machete, the soldier said he had not the courage to kill the old man, so another man was called from the ranks of the Guerrillas, a Galician called Junco, he presented himself as executioner, and cut the old man in pieces with his Machete.

On the same day Col. Aguilera returning to town (San Nicolas) with his column went through a farm called Villavicenuo, adjoining the

town and there found a child I4 years old in a Mango tree gathering the fruit, the Col. ordered his men to fire at the boy, which was done and the little fellow fell dead from the tree.

Through reliable source I hear that six batallions are concen--trating near Rubi hills to attack the Rebel strong hold.

On the 5th. or 6th. of June a fight took place at Las Lajas, 3 miles from Consolation del Sur (Prov.Pinar del Rio) two Captains and one Lieut. were killed and taken to Consolacion del Sur to be buried. No other details given.

On the 6th. June the Rebel leader Collazo entered El Callao on the Trocha of Guanajay, went to the small-pox hospital and carried off all the medecines of the drug store, harmed no one of the hospital.

On the 4th. June there was a strong fight at the Sugar estate "El Luisa" near Cabañas (Prov.Pinar del Rio north coast beyond Bahia Honde) The Spaniards had 30 dead and over one hundred wounded - gotten fr--om eye witness - reliable.

The Rebel forces that had the fight went towards Rubi hills to help the Rebels entrenched and encamped on those hills, and intended to b be attacked by Spaniards who are massing many troops in that neighborhood for this purpose.

On 8th.June Passenger train No.5 of the Regla - Matanzas R.R. was blown up near Campo Florida, about 25 miles from Habana.

All the inhabitants of the village Duran, beyond San Felipe, have been expelled from their homes and ordered to Guara (Station of the Habana R.R. Habana Prov)

Mch 9- From three different sources reported hard fight at Coma del Mulo near Guanajay, (4 days ago) in which the Spanish General Fuentes was killed, (Guanajay is in Prov. Pinar del Rio) Have heard 30 wounded have been brought in from wreck on Habana and Matanzas R.R., number killed not yet known, the train was blown up between Miguel and Jaruco.

No. 522.

ASSISTANT SECRETARY
JUN 15 1897
DEPARTMENT OF STATE.

DEPT. OF STATE
JUN 15, 11.44 AM 1897
CHF. CLKS. OFFICE
RECEIVED

U. S. CONSULATE GENERAL.

HABANA, June 10th, 1897.

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REC'D.
JUN 15 1897
DEPT. OF STATE

Mr. LEE

to the

Acknowledged.
JUN 18 1897
Abstracted

DEPARTMENT OF STATE.

Transmitting list of employees in the Habana custom house, showing that 30 are Spaniards and 4 Cubans.

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1 Enclosure.

No. 522.

U. S. CONSULATE GENERAL.

HABANA, June 10,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

When Mr.Calhoun was here he collected the number of employees in the various public offices,with the view to see how many Cubans were employed in such positions.

I think he obtained the necessary data,except from the custom house. I have now the honor to enclose herein the list of the employees in that establishment,showing that there are 30 Spaniards and four Cubans.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: List referredtto.

Enclosure No.1.

With Despatch No.522.

H A B A N A , June 10,1897.

COPY-TRANSLATION.

CUSTOM HOUSE of HABANA.

- Fiscalization-

SPANIARD.	Chief of Administration:	Cesar M.Cadrana.
SPANIARD.	" " " "	Manuel Campos.

-Collector-

SPANIARD.		M.Cubells.

-Auditor-

SPANIARD.		A.Alcazar.

-Chief of Bureau of first class-

SPANIARD.		M.Martinez Velasco.

--Chief of Bureau of third class-

CUBAN.		F.Chacon.

-Officials-

CUBAN.	1st.class:	G.Tejada.
CUBAN.	2nd. "	C.Pedroso.
SPANIARD.	3rd. "	P.Calvo
SPANIARD.	" "	J.Alsa
SPANIARD.	" "	R.Calvo.
SPANIARD.	4th. "	M.Velasco.
SPANIARD.	" "	F.Franco.
SPANIARD.	" "	J.Meca.

-Inspectors-

SPANIARD.		Antonio Miró.
SPANIARD.		Jose Ferrer.

-Appraisers-

SPANIARD.		Ramon Galan.
SPANIARD.		Francisco Rio.
SPANIARD.		Ramon Sanchez.

SPANIARD.	Manuel Sanchez.
SPANIARD	Pablo Brunet.
SPANIARD	Mariano Gallego.
SPANIARD	Joaquin Vargas.
SPANIARD	Sebastian Sotomayor.
SPANIARD.	Fco.Lombardero.
SPANIARD	Luis Visconte.
SPANIARD	N.Martinez Ibañez
SPANIARD	Juan Jimeno.
SPANIARD	Jose Novo
SPANIARD	Antonio Gordillo
SPANIARD.	Ramon Toca
CUBAN	Leon de Leon.
SPANIARD. (Chief Warden)	Antonio Bustos.
SPANIARD. (Store keeper)	Octavio Campos.

HABANA, June 10, 1897.

ASSISTANT SECRETARY
JUN 15 1897
DEPARTMENT OF STATE

523

No. 523.

DEPT. OF STATE
JUN 15, 11.43 AM 1897
CHF. CLKS. OFFICE

U. S. CONSULATE GENERAL.

HABANA, June 10,1897. RECEIVED

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REC'D.
JUN 15 1897
DEPT. OF STATE

Acknowledged.
JUN 18 1897
Abstracted

Mr. LEE

to the

DEPARTMENT OF STATE.

Transmitting census of 1877 and of 1887 of the Island of Cuba.

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2 Enclosures.

No. 523.

U. S. CONSULATE GENERAL.

HABANA, June 10,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to transmit herewith two enclosures showing the population of this Island according to the census of 1877,as well as that of 1887. It will be observed that the colored population,which includes the mulattoes,number about one third of the population. It will also be noticed that in the census of 1877 the white inhabitants given include the asiatics,while the census of 1887 places the asiatics among the colored population. Without this addition to the colored race it will be observed that the white population has increased over 100.000 in the last ten years given,while the colored population has decresed over 4000.

In view of these facts I (have) never anticipated any race troubles here,as has occurred in San Domingo and elsewhere.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

2 Enclosures:

No.1.Census of 1877.

No.2.Census of 1887.

Enclosure Ni.1.

With Despatch No. 523

H A B A N A , June 10th,1897.

P O P U L A T I O N

of the Island of CUBA, according to census of December 31,1877.

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Actual population.

Provinces.	Inhabitants.	Kilometres.	Density of pop:
Habana.	435,896.	8,610.	50.63
Matanzas.	283,121.	8,486.	33.52
Pinar del Rio.	182,204.	14,967.	12.17
Puerto Principe.	69,245.	32,341.	2.14
Santa Clara.	321,397.	23,083.	13.92
Santiago de Cuba.	229,821.	35,119.	6.54
	1,521,684.	122,606.	12.41

	Real population.		Density.		Proportion.	
	Whites.	Colored.	Whites.	Colored.	Whites	Col'rd
Habana.	321,951.	113,945.	37.39	13.24	73.86	26.14
Matanzas.	160,806.	122,315.	19.11	14.41	56.80	43.20
Pinar del Rio	128,986.	53,218.	8.62	3.55	70.79	29.21
Puerto Principe.	57,692.	11,563.	1.78	.36	83.32	16.68
Santa Clara.	219,294.	102,103	9.50	4.42	68.23	31.77
Santiago Cuba.	143,706	86,115	4.09	2.45	62.53	34.47
	1,032,435.	489,249.	8.42	3.99	67.85	32.15
	988,624.	533,060.	8.06	4.35	64.97	35.03

NOTE:- In the 1,032,435 white inhabitants are comprised 43,811 asiatics: and in fact, according to the data collected, the real population was on the 31st of December, 1877 :

988,624 whites, and 533,060 negroes, asiatics, and mixed.

Enclosure No.2.
With Despatch No. 528
H A B A N A , June 10th,1897.

P O P U L A T I O N

of the Island of CUBA, according to census of December 31,1887.

Actual population.

Provinces.	Inhabitants.	Kilometres.	Density of pop:
Habana.	451,928.	8,610.	52.49
Matanzas.	259,578.	8,486.	30.59
Pinar del Rio.	225,891.	14,967	15.09
Puerto Principe.	67,789.	32,341	2.10
Santa Clara.	354,122	23,083	15.34
Santiago de Cuba.	272,379.	35,119.	7.76
	1,631,687.	122.606	13.81

	Real population.		Density.		Proportion.	
	Whites.	Colored.	Whites.	Colored.	Whites.	Colored
Habana.	335,782.	116,146.	39.00	13.49	74.30	25.70
Matanzas.	142,040.	117,538.	16.74	13.85	54.72	45.28
Pinar del Rio.	166,678.	59,213.	11.14	3.95	73.79	26.21
Puerto Principe.	54,581.	13,208.	1.69	0.41	80.52	19.48
Santa Clara.	245,097.	109,025.	10.62	4.72	69.27	30.73
Santiago Cuba.	158,711.	113,668.	4.52	3.24	58.27	41.73
	1,102,889.	528,798.	9.00	4.31	67.59	32.41

A comparison of the census of 1877 with that of 1887, shows an increase of 110,003 inhabitants in the real population of the Island, or say : 7.23 per cent in the ten years, which is equivalent to an annual geometric increase of 7.0069 per mil.

NOTE: That the white population has increased 114,265 inhabitants, (11.56 per cent) whilst that of the colored population has decreased 4,262 inhabitants, (0.80 per cent)

	Census of 1877.	Census of 1887.	Difference.	Ratio.
Whites.	988,624.	1,102,889.	+ 114,265	+ 11.56
Colored.	533,060.	528,798.	- 4,262.	- 0.80
Total.	1,521,684.	1,631,687	+ 110,003	+ 7.23

524

No. 524.

ASSISTANT SECRETARY JUN 15 1897 DEPARTMENT OF STATE

DEPT. OF STATE JUN 15, 11.43 AM 1897 CHF. CLKS. OFFICE RECEIVED

U. S. CONSULATE GENERAL.

HABANA, June 10, 1897.

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Mr. LEE

Acknowledged. JUN 18 1897 Abstract

to the

DEPARTMENT OF STATE

---o---

Relief of destitute American citizens on this Island.

---o---

No. 524.

U. S. CONSULATE GENERAL.

HABANA, June 10,1897.

Hon. William R?Day,

Assistant secretary of State,

Washington,D.C.

Sir:

I have the honor to report that the distribution of food and medicines to the destitute Americans on this Island is progressing satisfactorily. The Consul or his agent is required to examine into the conditions of each applicant,and after being satisfied that the said applicant is an American citizen and in destitute circumstances,he gives them food or medicines, or both,as needed.

I have the honor to report, in addition, that I have only used, about $3000,in spanish gold,(all over the Island) so that I can state with confidence,that it will be a long time before the $10.975,spanish gold,will be exhausted.

I am,Sir,your obedient servent,

Fitzhugh Lee

Consul General.

525

No525.

ASSISTANT SECRETARY JUN 15 1897 DEPARTMENT OF STATE

DEPT. OF STATE JUN 15, 11.33 AM 1897 CHF. CLKS. OFFICE RECEIVED

U. S. CONSULATE GENERAL.

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HABANA, June 10,1897.

JUN 18 1897 Acknowledged. Mahaer

Mr. LEE

to the

DEPARTMENT OF STATE.

To Hon. J. T. Morgan July 3.

To Hon. J. H. Berry. U.S.S. July 15

---o---

Case of the crew of the "COMPETITOR".

---o---o---

1 Enclosure.

No. 525.

U. S. CONSULATE GENERAL.

HABANA, June 10,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my previous despatch No.519,of the 9th instant,relative to the case of the "Competitor" crew,I now beg to transmit herewith a copy-translation of a communication from the Governor and Captain General of this Island in connection therewith,and call the Department's attention to the fact that over one year has elapsed since the former trial of these prisoners.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: General Weyler to Mr.Lee,June 9,1897.

EnclosureNo.1.

with Despatch No.525.

H A B A N A , June 10,1897.

TRANSLATION.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

In answer to your courteous note of the 5th instant,I have the honor to state that the General of Marine informs me under yesterday's date,that the case of the crew and expeditioners of the schooner "Competitor" is now in its trial period (plenario),and in its stage of defense,as far as Elias Vedia, Alfredo Laborde,Charles Barnett and William Gildea are concerned,although it is not possible at present to fix the exact date when the court martial shall take place. And with respect to Ona Melton and Charles Leavitt the indictment proceedings (sumario) continue,pending the resolution of the Supreme Court of War and Marine.

I am, etc. Habana,June 9,1897.

(Sgd)Valeriano Weyler.

To the Consul General of the United States.

JUN 14 1897 Confirmed

TELEGRAM RECEIVED. Cipher

INDEX BUREAU RECD. JUN 11 1897 STATE

From Havana

June 11 1897.

Received 10:25 A.M.

ASSISTANT SECRETARY JUN 12 - 1897 DEPARTMENT OF STATE.

Assistant Secretary State
Washington
DC

Informed two principal Cuban prisoners of war, General and his staff officer, have had form of trial and will be shot in a few days. Congress once protested in case of General mentioned in my despatch #29 about American citizens. Another protest for both might have some effect.

Lee

526

No. 526.

ASSISTANT SECRETARY
JUN 15 1897
DEPARTMENT OF STATE.

DEPT. OF STATE
JUN 15, 11.32 AM 1897
CHF. CLKS. OFFICE
RECEIVED

U. S. CONSULATE GENERAL.

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HABANA, June 12.1897.

Mr.Lee

to the

Department of State.

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Case of Enrique A.Otazo.

---------O---------

One enclosure.

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No. 5 2 6.

U. S. CONSULATE GENERAL.

HABANA, June 12.1897.

Honorable William R. Day,
Assistant Secretary of State,
Washington.

Sir:-

With reference to the Department's instruction No.336 of May 13th.,and enclosure,relative to the claim filed by Mrs. Cornelia A.de Otazo,against the Government of Spain for the alleged killing of her husband,Enrique A.Otazo,by Spanish soldiers,I herewith transmit copy of a letter from our Consul at Cienfuegos to whom the matter was referred,which shows the difficulty of obtaining any reliable information on the subject. The information given to this office by Mr.Ramon Crucet,as referred in Consul McGarr's letter,was of a verbal nature and to the effect that Otazo had told him previous to the killing that he wished he could get another piece of land and move away from Guayabales with his family,for if he remained there he was afraid he would be killed; and also that it was known where Otazo's body had been interred.

I know of no way whereby any positive information can be now obtained except through the Consul at Cienfuegos or possibly the Consul at Cardenas,though a reference to the map will show that the former is much nearer Guayabales than the latter.

I am,Sir,

Your obedient servant,

Consul General.

Enclosure:-

Mr.McGarr to Mr.Lee,June 7.1897.

Enclosure No. 1

With Despatch No. 526

Habana June 12th. 1897.

Copy.

Consulate of the United States,

June 7th. 1897.

Fitzhugh Lee, Esquire,

Consul General, Habana.

Sir:-

As suggested in your lettwr of the 29th. ultimo, I made inquiries relative to the alleged killing of Enrique A. Otazo by Spanish soldiers in November last; and also as to the location of Guayabales, where it occurred.

The only one of the many persons inquired of who has heard of the matter was Mr. Ramon Cruget, now of Habana, who says he is an American citizen, and who at the time of the occurrence lived in the neighborhood of Guayabales. He knows nothing directly of the killing, his only knowledge being derived from hearsay. He tells me he he gave what information he had on the subject to the Consulate General some time ago.

Guayabales is practically inaccessible from this city, as no public conveyance leaving here goes within less than 21 miles of that point. It is on the railway connecting Yagaramas and Colon and Cardenas, over which trains run daily, I am told, so that a person could conveniently visit Guayabales from the latter place.

I am, Sir,

Your obedient servant,

(sgd) Owen McGarr.

Consul.

---------O--------

527

No. 527.

U. S. CONSULATE GENERAL.

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RECD.
MAY 15 1897
DEPT. OF STATE

HABANA, June 12.1897.

Mr. Lee

to the

JUN 18 1897
Acknowledged.

Department of State.

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Confirming telegrams.

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No. 527.

U. S. CONSULATE GENERAL.

HABANA, June 12.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge receipt of the Department's cypher telegram of the 9th.instant,reading:-

Washington,June 9.1897

Lee,Consul General,Habana,

The New York Journal of the 10th.instant publishes your report in the Ruiz case nearly verbatim. This is no doubt a great surprise to you. The Department did not receive the report until one day after the newspaper publication was delivered here by Mr.Fishback under seal. Please investigate and report. (sgd) William R. Day

Assistant Secretary .

To which I replied also in cypher:-

Habana June 9.1897.

Assistant Secretary State,Washington.

Only two copies report in existence. One was placed in my private desk. Other given Fishback. Bryson,Journal correspondent here,affirms he sent no such report. I gave out nothing of course. Clerk who copied declares he said nothing. Your despatch says Journal 10th. Suppose 7th.is meant as Fishback should have reached Washington 8th. No papers here later than 6th. Will not Journal say how information obtained? (sgd) Lee.

which I confirm.

I also confirm my telegram of June 5th.

Assistant Secretary State,Washington.

No.

U. S. CONSULATE GENERAL.

HABANA,

Habana June 5.1897.

Calhoun Washington Tuesday. (sgd) Lee.

I also confirm the following:-

Habana June 7.1897.

Assistant Secretary State,Washington.

American,Manuel Ruiz Porrás,arrested Trinidad twenty-ninth ultèmo. Asked for charges and demanded treaty rights.

(Sgd) Lee.

and cypher telegram of June 11th.

Habana June 11.1897.

Assistant Secretary State,Washington.

Am informed that two principal Cuban prisoners of war,General and his staff officer,have had form of trial and will be shot in a few days. Congress once protested in case of General mentioned in my despatch 429 about American citizen. Another protest for both might have some effect.

(Sgd) Lee

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

528

No. 528.

ASSISTANT SECRETARY
JUN 15 1897
DEPARTMENT OF STATE.

DEPT. OF STATE
JUN 15, 11.49 AM 1897
CHF. CLKS. OFFICE
RECEIVED

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JUN 15 1897
DEPT. OF STATE

HABANA, June 11,1897.

JUN 18 1897
Acknowledged.
Abstract

Mr. LEE

to the

DEPARTMENT OF STATE.

Relief of destitute American citizens in Cuba.

No. 528.

U. S. CONSULATE GENERAL.

HABANA, June 11,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

Supplementary to my despatch No.524,of the 10th instant, in reference to the expenditure of the fund for destitute Americans,I beg to add that included in the amount given as having been expended to date is the money paid for the passage of 12 destitute American citizens to New York,1 to New Orleans, 3 to Key West,and 3 to Tampa.

A report from Consul Brice at Matanzas states that in the last two weeks he has afforded relief to 47 families of destitute Americans,numbering 247 persons. Mr.Brice writes that the good effect of this prompt assistance to our citizens is very noticeable and commended by all classes.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
JUN 12 1897
DEPARTMENT OF STATE.
12,12 24 PM 1897
CLKS. OFFICE
RECEIVED

TELEGRAM RECEIVED.

13 Gork

4 mc

From Havana

June 12, 1897.

Received 12 10 P.M.

Asst Secy State,

Washn D.C.

JUN 14 1897
Confirmed

American Citizen Vargas

Remedios released

Lee

529

No. 529.

DEPT. OF STATE
JUN 15, 11.48 AM 1897
CHF. CLKS. OFFICE
RECEIVED

U. S. CONSULATE GENERAL.

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ASSISTANT SECRETARY JUN 15 1897 DEPARTMENT OF STATE.

HABANA, June 12, 1897.

Acknowledged. JUN 18 1897 Abstract

Mr. Lee

to the

Department of State.

---------0---------

Statement showing the birth and death rate of Habana for the past five years.

---------0---------

One enclosure.

---------0---------

No. 529.

U. S. CONSULATE GENERAL.

HABANA, June 12.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to transmit herewith a statement showing the birth and death rate of Habana for the period of the past five years, which may prove of interest to the Department.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Statement of birth and death rate of Habana for the past five years.

Enclosure No./

With Despatch No. 529.

Habana June 12th, 1897.

Copy-translation.

ELOQUENCE OF NUMBERS.

During the past five years there have died in this city 33,931 persons. Of these, there were whites----------24,746.

and colored---------- 9,435.

During the same quinquennium there were born ------21,499.

of which were whites----------16,918.

and colored and mixed---------- 4,581.

Showing a general mortality of----------33,931.

and a birth rate of----------21,499.

and a result against population of----------12,432.

The Cubans, whites, dead were----------13,833.

and Cubans born----------16,918.

In favor of the Cuban element---------- 3,062.

As regards the classes of mixed races, there result 889. deaths more than births; and of the blacks,---------- 2,811. more deaths than births.

M. Delfin.

Elocuencia de los números.

Durante el último quinquenio han muerto en esta ciudad 33,931 personas.

De estas pertenecen á la raza blanca 24,476 y á la raza negra 9,455.

En ese mismo quinquenio nacieron 21,499 niños: de estos 16,918 blancos y 4.581 negros y mestizos.

Siendo la mortalidad general	33,931
y la natalidad general	21,499
Resulta en contra de la población.....	12,432
Los fallecidos cubanos blancos fueron.....	13,833
Los nacidos cubanos blancos	16,918
En favor de este elemento.....	3,062

En cuanto á los mestizos dan 889 defunciones más que nacimientos: y los negros dan 2,811 más defunciones que nacimientos.

M. Delfin.

UNITED STATES CONSULATE GENERAL,

HABANA, CUBA June/12th. 1897.

Personal

Hon. Wm: R. Day,

Asst. Sec. State,

Washington, D. C.

My Dear Sir:

I have been informed from sources entitled to great credit, and it is more than possible that you have the same information, that it has been determined upon in consequence of the advice of Campos, Blanco, Videl and Domingues and others, to remove General Wyler as Capt. and Governor.General of the Island and replace him temporarily by Marin - now in command at Puerto Rico - and permanently a little later by Campos or Blanco. The rainy and sickly season however, having commenced, I am told none of these Officers will come now, as much would be expected of the person who took Wylers place and during the rainy season nothing much could be accomplished. I am also told that the Insurgents will part with Wyler with real regret because his course has had the effect of filling up their ranks and banding them together in stronger union, as well as increasing the spirit of their resistance.

An unusually bright and intelligent native American who has been on the Island only a few months and has been the chief medical officer of the Insurgents in Habana Province, came to see me yesterday on his way to the United States. In his position he has been obliged to go around to visit all the Insurgent orginazations in Habana Province, he therefore should know what he is talking about when he says there are 4.700 Insurgents in the Province (Habana) organized and armed with small

UNITED STATES CONSULATE GENERAL

HABANA, CUBA ..... 189 .....

Hon. R. Day :

Personal

Remington rifles, Machetes and nearly all with pistols, this force is all mounted except 270 men. The American Doctor reports them as having plenty to eat, beef always once a day, plenty of money, which they colle--ct in taxes from the property holders in their section, also from some of the R. R. companies who pay them not to blow up their trains. He says they are confident of ultimately winning their independence, but even if "Spain wants money as bad as reported, they will not be willing to pay more than a "Billete" for their liberty". This gentleman impresses me as a man of character and truthfulness.

As you are perhaps aware, a great many of the high Spanish officials, and officers are making money in various ways, out of the war, they do not care to see it stopped. I think a great many of the Spanish soldiers and non-arm bearing Spaniards here are very anxious for any solution of the vexed problem that will bring peace and its attending blessings.

I am, Sir:

Very truly yours,

Fitzhugh Lee

No. 530.

ASSISTANT SECRETARY
JUN 21 1897
DEPARTMENT OF STATE.

Acknowledged.
JUN 23 1897
Abstract

U. S. CONSULATE GENERAL.

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REC'D.
JUN 19 1897
DEPT. of STATE

HABANA, June 15th, 1897.

Mr. LEE

to the

DEPARTMENT OF STATE.

Relief of destitute Americans on this Island.

One enclosure.

No. 530.

U. S. CONSULATE GENERAL.

HABANA, June 15th,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

The work of relieving destitute Americans on this Island is growing greater. Many of the applicants,who did not know they were destitute,now that they do know that relief can be afforded are very destitute,and the greatest caution has to be exercised to prevent an abuse of the Government's bounty. As stated before I insist that all distributing agents shall get an affirmative answer to two questions; first: Is the applicant an American citizen? Second: Is such applicant destitute? I also insist that the money given to these agents shall be used for the purpose of food or medicine,as required,and nothing else ,because there seems to have been an impression that it can be used for clothing,and to pay house or room rent &.&. The person who is charged with the business in Habana and its vicinity,under my direct supervision,visits the places of residence of all who register here as applicants and allows to each person a ration per day,just as rations would be issued to soldiers,except that climatic conditions make the ration here different from the ration of an American soldier.

It is composed for one person as follows:

6 ounces jerked South American beef.
6 " rice.
6 " potatoes.
6 " fish.
6 " sugar.
1 1/2 " black beans.
1 1/2 " white beans.

Total: 33 ounces.

No. 530.

U. S. CONSULATE GENERAL.

HABANA, June 15th, 1897.

Each ration is put up in separate paper and costs 25 cents per ration. I enclose herein my circular in reference to the matter.

With the exercise of care, discretion and economy it is hoped the money, now on hand, will last for some time, though the number of those to be relieved will be greater then at first estimated, because as the knowledge extends of the purpose of the Government to relieve its citizens on this Island, more cases of those requiring relief are discovered.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Circular referred to.

Enclosure No.1.

with Despatch No.530.

H A B A N A , June 15th,1897.

COPY.

CIRCULAR.

U.S.CONSULATE GENERAL.

HABANA, June 15,1897.

the Agents distributing food and medicine to destitute Americans:

The person who is charged with the relief of destitute Americans in Habana and its vicinity, has formulated the following ration for one person for one day, and issues food to destitute Americans at the rate of one week's ration at a time. The proprietor of the stores where rations are purchased contracting to do the delivery. I suggest this or some such scheme for your consideration. Each ration for each person per day consists of - 6 ounces jerked South American beef.

6 " rice.

6 " potatoes.

6 " fish.

6 " sugar.

1 1/2 " black beans.

1 1/2 " white beans.

Total: 33 ounces at a cost of 25 cents, spanish silver, per ration.

(Signed) Fitzhugh Lee,

Consul General.

(Copy)

United States Consulate-General,

Habana, Cuba, June 15, 1897.

Personal.

Hon. Wm. R. Day,

Assistant Secretary State,

Washington, D. C.

My Dear Sir:

x x x

Have you ever had your attention called to the Island of St. Thomas? I understand it contains a good harbor. You know it lies just east of Puerto Rico. I have been informed that there are no harbors in the little range of Islands north of South America except this one at St. Thomas and the one at Martinique. There is also a little Island lying, I think, between San Domingo and Puerto Rico, called Nagasa, which the United States is in some way interested in. I have heard that the late General B. F. Butler hoisted the American flag over it and obtained a large lot of fertilizer therefrom.

I am,

Very truly yours,

Fitzhugh Lee.

DEPT. OF STATE
JUN 16, 11 28 AM 1897
MAIL CLKS. OFFICE
RECEIVED

Acknowledged.
JUN 17 1897

16

TELEGRAM RECEIVED.

3 PM

From Havana

June 16, 1897.

Received 11 26 A.M.

SECRET SERVICE BUREAU
RECD.
JUN 16 1897
DEPT. OF STATE

Assistant Secretary State,

Washington, D.C.

ASSISTANT SECRETARY
JUN 16 1897
DEPARTMENT OF STATE.

American Citizen Manuel
Ruiz Porras, Trinidad,
released

Lee

Cuba to file
June 16, 97

FILE

531

No. 531.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JUN 19 1897
DEPT. of STATE

HABANA, June 16.1897.

Mr.Lee

to the

Department of State.

----------0----------

Confirming telegram.

----------0----------

No. 531.

U. S. CONSULATE GENERAL.

HABANA, June 16.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

Referring to my telegram to the Department of the 2nd. instant, in which I reported the arrest at Remedios of Mr. Joaquin Vargas, an American citizen, I have now the honor to confirm my telegram of the 12th. instant, reading:-

Habana June 12.1897

Assistant Secretary State, Washington.

American citizen Vargas, Remedios, released.

(signed) Lee.

I am, Sir,

Your obedient servant,

Consul General.

No. 532.

Acknowledged.
JUN 23 1897
Abstract

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REC'D.
JUN 19 1897
DEPT. of STATE

U. S. CONSULATE GENERAL.

HABANA, June 16th, 1897.

ASSISTANT SECRETARY
JUN 1897
DEPARTMENT OF STATE.

Mr. LEE

to the

DEPARTMENT OF STATE.

----------o----------

Release of the American citizen MANUEL RUIZ PORRAS, at Trinidad.

----------o----------

1 Enclosure.

No. 532.

U. S. CONSULATE GENERAL.

HABANA, June 16th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to my telegram to the Department of the 7th instant, reporting the arrest at Trinidad on the 29th ultimo of the American citizen MANUEL RUIZ PORRAS, I have the honor to accompany translation of a communication from the Captain General, to the effect that his release had been ordered.

I also confirm my telegram of to-day, reading:

"Habana, June 16, 1897.

"Day, Assistant Secretary of State,

"Washington.

"American citizen MANUEL RUIZ PORRAS, Trinidad, released."

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: The Captain General to Mr. Lee, June 15th, 1897.

Enclosure No.1.

with Despatch No.532.

H A B A N A , June 16th,1897.

Copy-translation.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

In answer to your courteous note of the 7th instant relative to the civilian Manuel Ruiz Porras,I have to inform you that the said person was arrested at Trinidad because he is considered as a confidante of the rebels and appears in a report issued by them for the purpose of free transit; but in consideration of his being a citizen of the United States and of your indications in connection with his case,under this date I order by telegraph the Military Commandant of Trinidad to release the said Manuel Ruiz Porras.

God guard you many years. Habana,June 15,1897.

(Sgd) Valeriano Weyler.

To the Consul General of the United States.

533

No. 533.

To Madrid aug 12 2

U. S. CONSULATE GENERAL.

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HABANA, June 16.1897.

Mr.Lee

to the

Department of State.

----------O----------

Transmitting statement from Mr.Chabau,a citizen of the United States.

----------O----------

One enclosure.

----------O----------

No. 533.

U. S. CONSULATE GENERAL.

HABANA, June 16.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to transmit herewith copy of a statement made by Mr.Arturo Chabau,a citizen of the United States residing at Alquizar,a small town of this province,in which he claims an indemnity from the Spanish Government of $36,000.- for damages and loss of his property,destroyed by the insurgents in January 1896.

On account of suffering from a stroke of paralysis,and being unable to come to Habana,Mr.Chabau made oath to the statement before Mr.Charles Barnet,a respectable citizen of the United States,who subscribed and made oath as subscribing witness to the statement.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

One enclosure:-

Mr.Chabau's statement referred to.

Enclosure No. 1

With Despatch No. 533

H A B A N A , June 16th, 1897.

COPY.

To the President of the United States of America.

I, ARTHUR CHABAU y SUAREZ, resident of the village of Alquizar, in the island of Cuba, married, and of age, a citizen of the United States and registered as such at the American Consulate General in Havana under No.2591, December 12, 1876, having been naturalized in Philadelphia, on the 21st November 1876, and obtained a passport from the Department of State No.51648, dated Nov.22, 1876, beg to call the attention of my Government to the fact that all the property belonging to my lawful wife Doña Dolores Sanchez y Hernandez and myself, as detailed hereinafter, has been completely burnt or destroyed in the present war, during the invasion of Maceo's troops into Pinar del Rio province, in January 1896, in consequence of which myself with my family are left destitute.

1st. The "Purisima Concepcion" plantation in the municipal district of Alquizar, consisting of 5 caballerias of good land, on which were planted in January last year 100.000 tobacco plants, ready to cut and which have been destroyed; besides, the insurgents took away all my cattle worth $1500, burnt all the houses in number of five, which were all in good condition and all lumber built.

2nd. The "Rosario" plantation situated in the municipal district of Guira de Melena consisting of 4 caballerias of good land, of which 3 1/2 were dedicated for sugar cane, and the remainder for tropical fruits and tobacco; on the latter I had at the time of the invasion 150.000 tobacco plants, which were des-

troyed. Besides I had on this plantation a splendid dwelling house with 3 smaller ones for the work of curing tobacco,and dwellings of my laborers with their families,all of which were burned and leveled to the ground.

Besides they took all my oxen,which I had for plantation work.

The total loss amounts to the fallowing sum,for which I respectfully beg our Government to ask redress and indemnification for the total amount from the Government of Spain.

1st."Purisima Concepcion"plantation

Loss sustained:

Destruction of tobacco	$5000.	
Houses burned , ,	"5000.	$10.000
2nd. The "Rosario"plantation.		
Destruction of tobacco	$5000.	
All my cattle,mules,horses stolen with carts.	"3000.	
All the houses,of which one was one was of extraordinary size and handsomely built and furnished.	"18000.	"26.000
	Total: - - - -	$36.000

Say thirty six thousand dollars ,spanish gold.

Havana 26th May,1897.

Witness:

(Sgd) Charles Barnet. (Sgd) Arturo Chabau.

U.S.CONSULATE GENERAL. HABANA.

On this 4th of June ,1897,before me the undersigned,personally came CHARLES BARNET,of this city,the subscribing witness to the foregoing statement and declaration of Mr.ARTURO CHABAU, with whom I am personally acquainted,who being by me duly sworn said that he is a resident of this city,Cerro 716,but has frequent occasion to go to Alquizar,in this province of Habana;

that he is well acquainted with Mr.ARTURO CHABAU,and knows him to be the person described in,and who subscribed before him and delivered unto him the foregoing statement for delivery unto this Consulate General; and that he saw Him subscribe the same,and that he acknowledged to him,the said CHARLES BARNET, that he subscribed,declared unto under oath,and delivered unto him the said document for the purpose mentioned,and that thereupon he,the said witness subscribed his name thereto, that said CHABAU at the time was ill,and suffering from an attack of paralysis.

Sgd) Charles Barnet.

Sworn to and subscribed before me,this 4 th June,1897.

(Sgd) Fitzhugh Lee,

Consul General.

No. 534.

Acknowledged.
JUN 23 1897
Abstract

U. S. CONSULATE GENERAL.

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RECD.
JUN 19 1897
DEPT. OF STATE

HABANA, June 16th, 1897.

Mr. LEE

to the

DEPARTMENT OF STATE.

----------o----------

Referring to Department's instruction No. 322 of the 24th April last, respecting the Juraguá Iron Company, Limited, of Philadelphia.

----------o----------

No. 535.

U. S. CONSULATE GENERAL.

HABANA, June 16th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to the Department's instruction No. 322, of the 24th April last, with enclosures of copies of letters from the President of the Juragua Iron Company, Limited, of Philadelphia, and documents in Spanish, which I was instructed to lay before the Governor General of the Island, unless, on investigation, I found that the conditions were different from those represented in the said papers, in which case, I was to report to the Department before taking any definite action, I have now the honor to inform you that the representative in this city of the said Company has advised me that it would be useless now to present the papers, as the whole matter has been referred to Madrid, where it will be arranged.

In this connection, I beg to refer to my despatches Nos. 466 and 469 of the 8th and 11th May, respectively, respecting the return of the 5 per cent collected by the Customs authorities at Santiago de Cuba upon the value of coal imported by the American Mining companies at that place.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

No. 535.

Acknowledged.
JUN 23 1897
Abstract

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REC'D.
JUN 19 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, June 16th, 1897.

Copy sent to Solicitor

Mr. LEE

to the

DEPARTMENT OF STATE.

---o---

Relative to the 72 hour limit of incomunicado.

---o---

No. 535.

U. S. CONSULATE GENERAL.

HABANA, June 16th,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

My attention has been called to a published statement that Mr.Richard Olney,when Secretary of State,held the view that the 72 hour limit to incomunicado was not legal.

In a telegraphic despatch from Mr.Olney to me,dated Feb. 23rd,1897,he says:

"American contention is that American prisoners can-
"not remain incomunicado more than 72 hours,and you are
"right in always insisting upon it,but it can be enforced
"against opposite Spanish contention only by war and is
"practically though not theoretically conceded by Spain".

I am,Sir,your obedient servant,

Consul General.

536

536.

No. 536.

ANSWERED.
COPY TO Howard Doe
JUN 24 1897

INDEX BUREAU
RECD.
JUN 22 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, June 16. 1897.

Mr. Lee

to the

Department of State.

----------0----------

Transmitting a letter from Mr. Charles Gordon, giving the particulars of the death of Mr. Howard H. Doughty

----------0----------

one enclosure.

----------0----------

No. 536.

U. S. CONSULATE GENERAL.

HABANA, June 16.1897.

Honorable William R, Day,

Assistant Secretary of State,

Washington.

Sir:-

In reply to the Department's instruction No.365 of the 10th.instant,referring to my despatch No.490 of 19th May,in which I reported the killing of Howard H.Doughty,and that among his effects was found a letter addressed to Howard E.Cox, of Glenville,Cuyahoga Co.,Ohio,I have to inform the Department that the letter mentioned is not in my possession.

I transmit,however,the original letter received from Mr. Charles Gordon,which gave the particulars of Mr.Doughty's death.

Mr.Gordon is in the ranks of the insurrectionists and I have no means of communicating with him. I do not know in what manner he contrived to get his letter to me.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure: Letter from Mr.Gordon referred to.

Enclosure No.1.
With Despatch No.556
Habana June 16.1897.

Colongo April 10th 97.

General Fitzhugh Lee!

Dear Sir!

As there might be inquiries concerning the person, I take the liberty of writing to you, to let you know, that an American, Howard H. Daughty, was killed in Pinar del Rio, at Rio Londo about Dec 25th 96. I did not know him much, but belive and have been told that he was a man of means. Also belive that he belonged to Ohio as among his effects was a letter addressed to Howard D. Coxe, Glenville Cuyahoga Co. Ohio. He was killed very cowardly by machetes in the Spanish camp after being taken prisoner, and found there by Lieut. Cesar Sala and buried. Trusting this will find you enjoying good health I am

Respectfully
Charles Gordon
Jefe accidental del Regt.
Francisco Gomez.

over.

N.

Ans. & Copy to Treas. 6/25-97.

No. 5 3 7.

U. S. CONSULATE GENERAL.

INDEX BUREAU REC'D. JUN 24 1897 DEPT. OF STATE

HABANA, June 17th, 1897.

Mr. LEE

to the

Department of State.

Visa to chinese certificates.

No. 537.

U. S. CONSULATE GENERAL.

HABANA, June 17th, 1897.

Hon: William R.Day,
Assistant Secretary of State.
Washington. D. C.

Sir:

With reference to the Department's instruction No.353, of 28th ultimo,and in accordance with paragraph 373 of Consular Regulations, I have the honor to inform the Department,that the following certificates,issued to chinese subjects,merchants of the exempt class,have been visaed at this office to entitle them to admission into the United States.

Visa.No.184.	Lam Choing.	Visa. No.176.	Li Bow.
" " 185.	Lung Joe Poy.	" " 187.	Dong Mon.
" " 188.	Ing Yee Hong.	" " 189.	Chung Buck Sing
" " 190.	Lee Jong.	" " 191.	Loi Ah Young.
" " 192.	ChoyqGao.	" " 193.	Chin Sing.
" " 194.	Lee Poo.	" " 195.	Cuan Ah Cue.

The above named chinese will sail today by steamer "YUMURI bound to New York.

I am, Sir,

Your obedient servant,

Consul General.

No. 538.

U. S. CONSULATE GENERAL.

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JUN 24 1897
DEPT. OF STATE

HABANA, June 19.1897.

Mr.Lee

Acknowledged.
JUN 26 1897
Abstract.

to the

Department of State.

---------O---------

Destitute Americans.

---------O---------

No. 5 3 8.

U. S. CONSULATE GENERAL.

HABANA, June 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to state, that the great majority of those who are applicants for relief from the fund appropriated for destitute Americans on this Island, are generally the lowest order of Cubans, but who have become under our laws naturalized citizens. In very many cases these Cubans have at some time visited the United States to learn some profession or trade, or to secure work, and after the necessary period has elapsed have applied to the proper courts for naturalization papers. On securing these papers they return to Cuba to live the remainder of their days, with no thought of ever returning to the United States. They marry here and generally become the fathers of large families. In most instances our country has received no benefit in any way from their citizenship, but is expected to throw the folds of its flag around them whenever they get into trouble with the Spanish authorities, and now to feed and take care of them when they are hungry, afflicted and sick.

These conditions result from the established naturalization laws, and our treaties with Spain, - the terms of the former, being often evaded by fraud, - and the latter being defective, because prescribing no limit to naturalization. Many of these poor applicants for Government bounty would be a thriftless class anywhere, but of course their condition is made more deplorable by the desolation, devastation and ruin prevailing here.

Many are applying for passage to the United States in the

hope that they will be able to get some employment there, but not with any idea of becoming permanent residents. As they must have resided sometime in the United States to become naturalized, I suppose they can be considered as belonging to that country, and hence entitled to have their passage paid.

Numerous applications are being made for clothing and for money to pay rent of house or rooms. I have directed that Government funds be expended for food and medicines only, but I should like to have instructions on this point.

In view of all the facts I have stated, I am proceeding with deliberation and circumspection in the expenditure of the Government relief fund for destitute Americans.

I am, Sir,

Your obedient servant,

Consul General.

No. 5 3 9.

U. S. CONSULATE GENERAL.

HABANA, June 19.1897.

Mr.Lee

Aug 8
Nov. 5

to the

Department of State.

----------0----------

Confirming telegram. Release of Manuel Ruiz Porras.

One enclosure.

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No. 539.

Encl. Desp. 5/97.

U. S. CONSULATE GENERAL.

HABANA, June 19.1897.

Honorable William R. Day,
Assistant Secretary of State,
Washington.

Sir:-

With reference to my telegram of 7th.instant,relative to arrest at Trinidad of American citizen Manuel Ruiz Porras,confirmed in my despatch No.527 of June 12th.,I now confirm my telegram of 16th.instant,reading:-

Habana June 16.1897.

Assistant Secretary of State,Washington.

American citizen,Manuel Ruiz Porras,released.

(signed) Lee.

In connection with this,I transmit a translation of a letter from Mr.Ruiz Porrás,dated June 14th.,written before his release,in which he asks for $25,000.-damages.

I will add that Mr.Porrás is a native of Venezuela,was naturalized at Philadelphia,Court of Quarter Sessions,August 19.1874,and has been registered in this Consulate General since December 1874. He has resided ever since in this Island. He is about 78 years of age.

I am,Sir,

Your obedient servant,

Consul General.

Enclosure:-

Mr.Ruiz Porras to Mr.Lee,June 14.1897.

Claim of

MANUEL RUIZ PORRAS

against Spain.

There is no memorial in this case, and no evidence beyond claimant's letter to General Lee, and two telegrams, one dated June 7, 1897, as follows: "American Manuel Ruiz Porras, arrested Trinidad 29 ultimo. Asked for charges and demanded treaty rights."

and another of June 16, 1897, as follows:-

"American citizen Manuel Ruiz Porras, released".

General Lee states that Porras is a native of Venezuela, was naturalized in Philadelphia in 1874, has been registered in the Consulate General at Havana since December 1874 and that he has resided in Cuba ever since. Porras claims $25,000. damages.

Enclosure No.1.

With Despatch No.539.

H A B A N A ,June 19th,1897.

TRANSLATION.

TRINIDAD de CUBA,June 14,1897.

To the Consul General of the United States,

HABANA.

Sir:

To-day I have been 16 days confined in the Royal jail of this city without knowing the cause of my imprisonment, without any deposition having been taken from me,with no more data than that furnished by the captain of the civil guard of this city,by order of whom I was arrested at my house,and who stated to me upon my informing him that I protested of my imprisonment as an American citizen,that he obeyed orders of the General in Chief who had ordered my arrest.

Having no participation in the policy of this country,hav not having been a member of any political party,and there being no proof whatever justifying my imprisonment, nor the outrage of which I am a victim,I protest and ask an indemnity of $25000 for the damages which this imprisonment has caused to my interests,to my work,with the proceeds of which I supported honestly,as it is well known,my large family consisting of my wife,five small children,the eldest 8 years old,and the youngest 20 days;also the damage which this action has caused to my reputation,as Administrator in this Island of the large property of the Countess of Casa de Brunet,who resides in Madrid, of that of the grantees of Doña Mercedes Muñoz,and of that of the Mrs.Josefa and Luisa Brunet,who reside at Valencia and Cadiz,respectively,and especially for the damages caused to my family now exposed to the charity of some friends. My citizenship appears in Barcelona(Spain),where before the American Cons

Consul there in the year 1879 I made oath because of the death of my American parents Jose Manuel Ruiz Porras and Maria Thomas, who was born in Philadelphia, U.S.A.

Requesting you to intercede before the Governor General in my behalf for the purpose of obtaining my release, and that I be tried and sentenced if found guily or relased as it is an act of justice.

I am, etc. etc.

(sgd) Manuel Ruiz de Porras.

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No.540.

Acknowledged.
JUN 25 1897

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United States Consulate General,

Habana June 19.1897.

Mr.Lee

to the

Department of State.

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Requesting authority to contract for telephone for the use of the Consulate General.

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No.540.

United States Consulate General,

Habana June 19.1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:-

A telephone in the Consulate office here would greatly facilitate the business of this office by saving time in communication with merchants,health inspectors,public officers and others.

The cost would be $6.00 Spanish gold per month,with a charge of $15.90 for initiatory work.

I have to request that this expense be allowed.

I am,Sir,

Your obedient servant,

Consul General.

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Ack. & copy to Treas. 6/25/97.

No. 5 4 1.

U. S. CONSULATE GENERAL.

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HABANA, June 19th, 1897.

Mr. LEE

to the

Department of State.

-----o-----

Visa to chinese certificates.

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No. 511.

U.S.CONSULATE GENERAL.

HABANA, June 19th, 1897.

Hon: William R.Day,
Assistant Secretary of State,
Washington. D. C.

Sir:

In accordance with paragraph 373 of Consular Regulations, I have the honor to inform the Department, that the following certificates issued to chinese subjects, merchants of the exempt class, have been visaed at this office to entitle them to admission into the United States.

Visa No. 196. Long Chong. Visa No. 197. Ho Sik.
" " 198. In Yam. " " 199. Oy Yap.
" " 200. Lam Duck Hung. " " 201. Chung Bee.
" " 202. Quong Gow Won. " " 203. Quong Ah Hen.
" " 204. Young Long. " " 205. Young Bock.

The above chinese will sail today by Steamer "ORIZABA" bound to New York.

I am, Sir,

Your obedient servant,

Consul General.

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FILE

No.542.

CONSULATE GENERAL OF THE UNITED STATES,

HABANA June 19.1897.

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Mr Lee

to the

Department of State.

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Receipt of instructions.

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No.542.

CONSULATE GENERAL OF THE UNITED STATES

HABANA June 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's instructions from No.349 of May 26th, to No.376 of June 15th.1897, both numbers inclusive.

Also, the Department's instructions without number, dated June 14th.and 15th, relative to the appropriation for clerk hire and messenger service for the next fiscal year, ending June 30th.1898.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

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FILE

No.543.

CONSULATE GENERAL OF THE UNITED STATES,

HABANA June 19.1897.

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Mr.Lee

to the

Department of State.

----------O----------

Acknowledging Department's No.376,relative to the objection of the Spanish Government to recognize Mr.Rafael as Consular Agent of the United States at Sancti Spiritus.

----------O----------

No.543.

CONSULATE GENERAL OF THE UNITED STATES,

HABANA June 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the Department's instruction No.376 of June 15th.,relative to the objection of the Spanish Government to recognize Mr.Rafael Madrigal,as United States Consular Agent at Sancti Spiritus,I have to state that I have sent a copy of same to Mr.Madrigal for his information.

I am,Sir,

Your obedient servant,

Consul General.

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No.544.

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ASSISTANT SECRETARY JUN 25 1897 DEPARTMENT OF STATE.

CONSULATE GENERAL OF THE UNITED STATES.

HABANA June 19.1897.

Mr.Lee

Acknowledged. JUN 26 1897

to the

Department of State.

---O---

Consular Boatman.

---O---

No.544.

CONSULATE GENERAL OF THE UNITED STATES,

HABANA June 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

Replying to the inquiry in the Department's instruction No.374, "whether the arrangement with the boatman which secures his services as messenger,still continues",I have the honor to state,that so far as I can learn no such arrangement was ever entered into with the boatman of this Consulate General. The position of boatman,I understand,has been in one family for a number of years from father to son. The boatman conveys pouches and important mail matter to different steamers, and the charge for this service has been the usual harbor rates of one dollar Spanish gold per trip,in all sorts of weather and at all hours. Being frequently obliged to wait in the office,while the clerks are preparing the invoices etc,he is sent to the post office to carry and bring the mail,and utilized sometimes as a messenger. At present he attends solely to the post office business.

I understand that a small surplus of the messenger allowance (which was commenced in September 1890) was paid to the boatman, about $30.00 and then $22.00 a quarter. Such allowance ceased on June 30th,1892.
The boatman gets nothing now except for boat service.

I am,Sir,

Your obedient servant,

Consul General.

FILE

No. 545.

U. S. CONSULATE GENERAL.

HABANA, June 23rd, 1897.

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ASSISTANT SECRETARY JUN 29 1897 DEPARTMENT OF STATE.

Mr. LEE

to the

DEPARTMENT OF STATE.

---------o---------

Transmitting a communication from the Consul at Matanzas, the train conveying it having been blown up between the said city and Havana.

---------o---------

1 Enclosure.

No. 545.

U. S. CONSULATE GENERAL.

HABANA, June 23rd, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herein a communication from the Consul at Matanzas, whose note enclosing it was dated the 27th of April last. The train conveying it between Matanzas and this city was blown up, so that it only reached me to-day, having been found by some one at the point where the train was wrecked.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Communication referred to.

UNITED STATES CONSULATE GENERAL

HABANA, CUBA June/ 23rd. 189 7.

Personal.

Hon. Wm: R. Day,

Asst. Sec. State,

Washington, D. C.

My Dear Sir:

Here are a few points that may be interesting, but are hardly worthy of a place in the official reports.

Weyler left night-before-last on Spanish steamer Pizarra, about 9.30 presumably for Sagua La Grande and thence into Santa Clara Province, his especial body-guard went by rail (25 negroes)

It rains every day and it is difficult to ascertain what he expects to do, as the soil is well saturated with water, making movement of troops difficult etc. The reason given here for Weylers departure is that - he is again in the field and while engaged in active operations cannot be removed.

General Rivera and his Staff-Officer had a sort of trial and were sentenced to be shot, the former objected because he was tried by Captains and Lieutenants, I had 4 persons to see them in their cell, and this is what they say was told them, one of these persons belongs to "La Lucha" paper here (Weylers organ) The interest in their fate in the U. S. will prevent any death sentence from being passed now.

Two or three times per week prisoners of war (privates) are shot at the Cabaña. Only a few mornings ago a Cuban prisoner of war and a Spaniard charged with some offence were brought out to be shot, at the

UNITED STATES CONSULATE GENERAL

HABANA, CUBA ..... 189 .....

Hon.Wm:R.Day,

Personal.

last moment the Spaniard was pardoned but the Cuban was shot. And since then - two mornings ago - two Cuban prisoners of war were shot, one of them had been wounded four times in the fight where captured and his arm had been shot off. Why should not a General be shot if the poor privates are thus put an end to ? Indeed it would seem they are the least guilty.

Everything is very quiet here - the "Diario La Marino" has been pitching into me lately, I sent the editor word - not to make his editor--ials about me so long, people would not read them, but not to let up I was enjoying it, I found out however, that he was at heart like the "La Lucha" editor - an Annexationist, and said he thought his attacks on me might hasten action etc. that I was very much to be admired for the wa way I had acted here and all that !!!!

Nothing ever heard here of Reforms, and I hear no mention of them by anyone.

It is very hot of course, I spent all last summer here and so far have been very well - I suppose I am tough. The relief business gives a good deal of trouble - Naturalized Americans want me to bury their dead, pay their rents, clothe them, set them up in business etc. I have directed the hungry to be fed and the sick be given medicine, but the line is drawn there.

I am still investigating the Ruiz report publication. As far as I have gone it looks now, as if my original report was stolen from my private office by one of three persons (none of them connected with the

UNITED STATES CONSULATE GENERAL

HABANA, CUBA 189

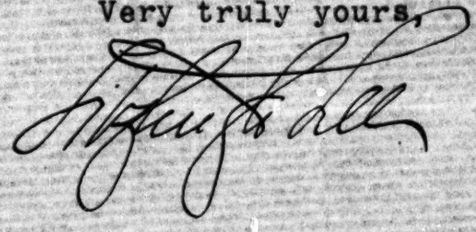
Hon.Wm:R.Day,

Personal.

Consulate)-that it was sent over - or the copy of it - to Key West by the Tampa steamer on Saturday, 5th.June, (Calhoun left Thursday 3rd.) and was cabled to "Journal" from that point. It could have been publish-ed in Sundays or Mondays "Journal" - 6th. or 7th. June - but did not appear until the 8th. (Tuesday) Calhoun & Co. arrived N. Y. Monday morning 7th. "Journal" knew if State Dept. gave out report as soon as received, no papers could get it before Wednesday 9th. so that its publication in "Journal" 8th. would be in time. Am going to follow clue up.

I send you the last report from a scout.

Very truly yours,



2D ASSISTANT SECRETARY.

JUL 1 1897

Dear Judge Day:

This goes with the personal letter from Genl Lee to which I drafted an acknowledgment yesterday.

Ahly

(Copy) This is written by a man from inside Fort Cabanas—

June/2Ist.97.

The Spanish record has registered a splendid page to-day. An insane boy named Ysidro Carmana about I6 years old was one of the victi-ms, he had three bullet wounds in his left arm and leg, the boy was made prisoner of war in the vicinity og Gguines, after a skirmish between the local Guerrillas and the Insurgents. He was a "Reconcentrado and was looking for sweet potatoes in the fields near by when captured, his fellows in prison and in the San Ambrosia hospital said that he was insane. Dr. Mendoza sent him to the alievates dept.

At the Capilla (where preparations for death are made) he was the laughing-stock of the Spaniards, the boy said that he was Martinez Campos, and lots of other foolish things.

The other victim was Antonio Jordan, made prisoner in an Insurgent hospital, former sergeant of the Spanish Civil Guards before the present struggle of the Cubans, after he left the Spanish army he was married to a Cuban girl, and was a farmer when Maceo invaded the Western Provinces he took up arms for the Cuban cause. He came yesterday and the boy also from the San Ambrosia hospital in order to be shot, both were very sick.

This is the Spanish method of war in the I9th. Century, a method that was adapted during the conquest.

On June 23rd.Col.Aguilera at head of 800 men started from Madruga (Prov.Habana) and met rebel body of 300 men commanded by Aranguren and Alejandro Rodriguez at the loma del Grillo (a hill) - 5 hours fight,Spaniards retreated and rebels remained in their position. Spanish had 7 killed and 53 wounded of which 23 very severely. Commander Perez severely wounded. Lt.José Grané killed.

Yesterday 24th.when train Habana RR.arrived at San Felipe (Prov.Habana) the passengers saw fight in the town,soldiers and guerrillas running all sides from attack of rebels (believed to be Castillo).see below (1)...

Yesterday afternoon 24th.eight batallions were ordered to meet near Madruga to expell Arango (rebel leader) from his encampment on the heights of Madruga. The result will be watched

(1) Later news from San Felipe say that Spanish defeated by Juan Delgado (not Castillo as said above) fled and entered in the town of San Felipe pursued by the rebels. At that time the passengers of train witnessed the great confusion of soldiers. After defeating Spanish in San Felipe Delgado entered town of Quivican, close by (3 miles) San Felipe.

Following items are the correct ones about attack on stage near San José de las Lajas on 24th.

A convoy of 18 cars started from Habana for San José de las Lajas,protected by 30 guerrillas and 1 company infantry. With the convoy started at the same time the stage coach with passengers,one physician,one officer with $6000.,one soldier and 2 women.

Knowing this Castillo prepared to take convoy,and when reaching the farm of Somorrostro near San José,the convoy stopped for breakfast,but the passengers of coach went on,accompanied by guerrillas.

Castillo not knowing that convoy remained behind protected by company infantry,attacked the guerrilla of stage,killing the whole guerrilla and everybody else except women. By mistake he did not get the convoy.

These are the true facts; the source cannot be better. the report given yesterday is a mistake.

The Mayor of Managua (12 miles from Habana) placed some sick folks suffering with small-pox in a hut built in the woods, one kilometer(1000 yards)distant from town. When Juan Delgado heard of this he ordered the necessary carts and transferred the sick people on them, and sent them back to town with a letter addressed to the Mayoy saying he (the Mayor) had no right to interfere in the country that did not belong to him, and that he should take back the sick into his own dominion (the town) Delgado burnt the hut.

The Cannonading beyond Marianao on the 24th.P.M.is confirmed by many trustworthy persons. No particulars about this yet.

CRANE'S

(Copy)

I4th. June - - Col Aguilera commander of the batallion Almania, in a reconoitre in the District of Catalina, near Guines, Prov. Habana, made captured a boy named Chicho Casaller I6 years old, looking for provisions , the boy was ordered to be killed, and after being cut by Machetes on the head and arm begged for his life, saying he would guide them to an encampment of Insurgents near by, the Col. accepted and the boy guided the Spaniards towards a hut in the woods, on their arrival they saw a woman standing in the door, a volley was fired at her, when she retreated into the house and returning with a rifle opened fire on the troops, who at the second volley wounded her in the arm and leg, she fell and the troops entered the house and found the womans husband in bed wounded and under surgical treatment, he was killed with a Machete and a little child lying in a hammock was cut in two by a single blow of a Machete, after this was done they took the mother and tied her by the legs to the tail of one of the Gurrilleros horses and dragged her three miles to the next village, where Col. Aguilera said "That was the way General Weyler ordered to humanize the war. The same day twelve pacificos got a permit (Written) frome the Commander of the town of Catalina to go out for provisions, once out Aguilera killed them with Machete.

I8th. June - - A hard fight is said to have taken place on the Regla and Matanzas R. R., a great number of the wounded came by R. R. to the sugar ware-houses at Regla (Just across the harbor from Habana) - The Spanish had 5I dead and 37 wounded - Castillo was the Rebel Commander. The fight took place at the hill of José Bello, near Jaruco, the Spaniard -s did not stand aginst the Rebels.

I7th & I8th. - June - - On Thursday and Friday last a fight took place at station No. 7 of the main Road from Pinar del Rio to Coloma, between forces commanded by Perico Diaz and Perico Delgado (Rebels) against Spanish troops commanded by General Bazan and Godoy. The fight began Thursday morning and that evening the Spanish General went in haste to Pinar del Rio to get Cannon and ammunition, returning to the field on Friday morning and the fight was renewed lasting until evening, the particulars are very difficult to get.

I8th. & I9th. June - - Very serious fight in Maragua, Habana Prov. I6

miles from Habana, the particulars are kept very secret, but since then a great number have been brought to Habana every evening from that place and seen by the people here.

20th. June - - 7 empty first class R. R. cars left the Habana R. R. station, destination unknown.

20th. June - - In the town of Guivican an old man begged the sentinel of a block house to allow him to get a few squashes, 60 yards distant, from the guard house, he was allowed, but on his return the Guerrilla of Batabano happened to go by, and seeing the old man with two small children arrested them, the Commander of Guerrillas asked the sentinel if he allowed the man to go for provisions, and on the sentinels affir--mative answer, he ordered the old man and the two little boys with him to be Machetado.

CRANE'S
LINEN
1895

No. 5 4 6.

Acknowledged.
JUL 2 1897

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U. S. CONSULATE GENERAL.

HABANA, June 24.1897.

Ask. Instructions

Mr. LEE

TO THE

DEPARTMENT of STATE.

Approving request for leave of absence asked for by the Consul at Santiago de Cuba in his despatch No.366.

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No. 5 4 6.

U. S. CONSULATE GENERAL.

HABANA, June 24th.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In forwarding despatch No.366,dated June 9th.,of our Consul at Santiago de Cuba,asking for leave of absence,the fact was overlooked that my approval of same was required by Consular Regulations,paragraph 97.

I now write to state that I desire to supply that omission,and express my approval of Mr.HYATT'S request for leave of absence,subject,of course,to the usual conditions.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

No. 5 4 7.

Acknowledged.
JUL 2 1897

U. S. CONSULATE GENERAL.

HABANA, June 24th.1897.

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Mr. LEE

TO THE

DEPARTMENT of STATE.

Chinese Passports.

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No.5 4 7.

U. S. CONSULATE GENERAL.

HABANA, June 24th.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the Department's instructions No.327, 353 and 356, respectively, relative to the visa of Chinese passports at this office, I have the honor to state, that a due regard for the Department's instructions on the subject, by carsful personal identification of the applicants and examination of their documents is always observed, that the affidavits upon which the visa is based bear the attestation of the Collector of Customs at New York, as approved per instruction No.950, of June 14th, 94, and that a report is duly transmitted to the Department of the visas to passports of Chinese of the exempt class, sailing by steamer to New York.

Referring to the copies of letters received by the Department from C.C.George and J.J.Spring, I desire to say no such persons are known to this office. From the letters themselves it would appear that the writers are Chinese in this city. No one has appeared here personally to complain of undue charges, or unlawful exactions, nor is it true that the Chinese Consul General pays anything for the despatch of visas to passports.

The charge of this office is one dollar in U.S.gold, as prescribed by regulations, and a return thereof is made quarterly to the Treasury.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

No. 548.

U. S. CONSULATE GENERAL.

HABANA, June 24th, 1897.

ASSISTANT SECRETARY JUN 29 1897 DEPARTMENT OF STATE.

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Mr. LEE

to the

DEPARTMENT OF STATE.

Sec'y note & Spanish Min. July 6 '97

DIPLOMATIC BUREAU. JUL 3 1897

Consular Bureau. Acknowledged. JUL 13 1897

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Referring to the Department's instruction No.355, relative to the Central "Victoria", and telegram of the 26th ultimo.

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One Enclosure.

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No. 548.

U. S. CONSULATE GENERAL.

HABANA, June 24th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to the Department's instruction No. 355, relative to the Central "Victoria", and telegram of the 26th ultimo, to protest against orders of this Government for the abandonment of same, and my despatches Nos. 505 and 510, on the same subject, I now have the honor to transmit herewith translation of a communication from the Acting Governor General, respecting the withdrawal of the force that protected said plantation.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: The Acting Governor General to Mr. Lee, June 22.

Enclosure No.1.

With Despatch No. 548.

H A B A N A, JUNE 24th, 1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

In consequence of your official letter of the 28th May last information was asked of the Military Commandant of Sagua la Grande, who reports to this department that on the 9th of March last two tenants of the sugar estate "Victoria", situated in said municipal district, commenced to cut cane and although they did not grind it in the same estate they conveyed it to another one, for which reason the "Victoria" was considered to be within article 3rd of the ruling Bando of the 30th January last, circular of the 8th February and explanation of the 24th March last, and, therefore, if it requires a force for its defense the same should be paid by the estate in accordance with the instructions given by this Captaincy General on the 16th April, 1896; and as the administrator of the "Victoria" says that he cannot do so because, not having ground during the two last crops (zafras), he has no means, I have ordered the said military authority to order the withdrawal from the said plantation of the officer and 16 individuals of the company of movilized Volunteers of Sagua, because the "Victoria" estate has not complied with the conditions of the Bando exacted from spanish subjects, and from which foreigners are not exempted.

I have the honor to communicate to you the above in continuation of my note of the 25th May last, with enclosures.

God guard you many years. Habana, 22 June, 1897.

(Signed) El Marques de Ahumada.
The General 2nd in Command and in charge.

To the Consul General of the United States.

Personal

PERSONAL.

UNITED STATES CONSULATE GENERAL,

HABANA, CUBA June 26th, 1897.

ASSISTANT SECRETARY
JUL 2 1897
DEPARTMENT OF STATE.

Hon.William R.Day,

Assistant Secretary of State,

Washington,D.C.

My dear Sir:

I enclose herewith some reports from reliable sources of what is going on in this section. Other reports in reference to the shooting in the Cabaña fort of the crazy boy referred to in one of the enclosed accounts confirm the truth of the statement. It is said that the boy imagined himself Martinez Campos and that all night while in the "capilla" (death-cell) he afforded a great deal of amusement to the Spanish soldiers guarding him,so that they said the next day that they had been enjoying a circus the night before. This poor boy was brought out with another prisoner,and they had hard work to keep him still while shooting him. His last words were that he intended to die like Martinez Campos. Two days ago two Cuban prisoners of war were shot,father and son; I hear this morning three more prisoners were shot,and so it goes.

I send you a copy of "Don Quijote",a paper published in Madrid,it may give you an idea of how the Spanish illustrated papers compare with ours.

I am,dear Sir,yours very truly,

Fitzhugh Lee

Consul General.

Copy.

INDEX BUREAU
REC'D.
JUN 30 1897
DEPT OF STATE

Acknowledged.
JUL 2 1897

Habana, Cuba.
June 26. 1897.

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

JUN 28 10 13 AM 1897

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON: No. 21 Royal Exchange, E. C.
No. 191 Fenchurch Street, E. C.
LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	RECD BY	No. OF WORDS.	FROM
26	G W S	64	U S Govt	Havana

RECEIVED at Washn DC June 26 1897

June 26th Hon Wm R Day
State Department Washn
Pronounce statement Madrid
paper just seen that my son
is connected with premature
publication Ruiz report
maliciously false my son
has no official connection
with this Consulate had
nothing to do with or
knows anything of such
publication 4 7 Repeat 5 3 4 9 4pm
12150 10238 14570
Allow above to be published Lee Consul General

No.5 4 9.

Acknowledged. JUL 10 1897

ASSISTANT SECRETARY JUL 1 1897 DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

INDEX BUREAU REC'D. JUN 29 1897 DEPT. of STATE

HABANA, June 26th.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relief Fund. Report from Consul Barker, Sagua la Grande.

One Enclosure.

No.549.

U. S. CONSULATE GENERAL.

HABANA, June 26th.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to transmit herewith, for the information of the Department, a letter received from Mr.Walter B.Barker, our Consul at Sagua la Grande, relative to the distribution of the relief fund in that section.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Mr.Barker to Mr.Lee, June 23.1897.

Enclosure
with Dispatch No 549.

Sagua la Grande

June 23rd 1897

Hon: Fitzhugh Lee

Consul General

Habana

Sir:

I beg to acknowledge receipt of $500 - which I have credited you and charged this office on "Relief account".

Of the estimate of American citizens - 450 - being about 98% of the whole in this consular district reported to you under date of 17th ult. May last, as destitute, I have thus far given succour to about - 200 -

With one family on hand
to send forward, will make
24 persons I will have
forwarded to you to be
returned to the United States
While after a more thorough
investigation made personally,
and by the Vice Consul, I am
inclined to regard my original
estimate as under than over
the number given you, I find
difficulties in the way of reaching
many of these people, although
the list relieved has increased
from day to day. This district
has an unusual number of
interior towns, remote from
here and not easy of commu-
-nication, wherein are concentrated

many of our citizens. 11
Although aware that the naturalized citizens who compose the major part of those in the district, were somewhat on the order of the "crank," I have been astounded at the reasons assigned by some of these for ~~declining~~ government aid, such as from investigations I knew to be in a state of actual want. Such as are located in the interior towns who fear the much dreaded Spanish guerillas, I do not regard their fears as altogether groundless. Some of these have stated that that they would be glad to receive

this much needed relief, if I could convey it to them clandestinely. This proposition I have treated with deserved contempt. Persons who occasionally pass to and from these points, to whom I would entrust a remittance, refuse to be the bearer, for fear of persecution by the guerillas. Others have asked to have relief to be given them placed with certain Bodegeros ("Shop-keepers") who, in this way are endeavoring to have old accounts paid, at least in part. This I declined to do, and

they accepted no aid.
Some few I learned had
agreed to pay part of past-
due house rent with money
given them and these refused
to pay - although in all such
cases I had satisfied myself
that they were in need
for, why should they not
be, having been without
employment for over
two years, driven from their
homes, and without any
source of revenue.
On such conditions as
mentioned, I have felt
it my duty to deny
relief to persons actually
in need.

As you perhaps know this people are peculiarly over-sensitive and possessed of much false pride, which has caused many to decline the proffered aid from the government, when in a state of indigence & actual suffering.

I need not tell you that this duty imposed on Boards is most delicate and difficult, in order to be just and at the same time prevent the benevolence of the Department being abused: to say nothing of the trying ordeal to which it subjects us in affording succor

to 100 of our citizens
when one thousand of
their fellow beings stand
by and plead piteously
for food, which we know
them to be in need of: and,
yet powerless to give them
the least relief.

I have gone into detail
in order to acquaint
you with the situation
as I have found it and
the difficulties which beset
me in the distribution of the
funds placed in my
hands by you to be
disbursed in accordance
with the purposes for which
the appropriation was

made, and in the hope
that my action may meet
your approval and that
of the Department as well.
Here in Saguaro, Claire,
as I wrote you previously,
by purchasing food at
wholesale, been enabled
to make everything
equable and satisfactory.
While on each issue
day "sparsa de pesetas"
an appearance nearby
with a view of intimidating
those who apply for food,
these feel that here they
are under the protective
wing of the Consulate.
Still, the civil authorities

have not so far as I know done aught to resent this action of our government. It is the Spanish non-combatants and guerillas in the interior towns, to whom this relief seems to be a thorn in their side.

Genl Weyler spent a few hours here yesterday. leaving as a "memento" to his reconcentrados a revocation of the Sagua Military Commander's order which permitted these poor people to go outside the line of forts, for the purpose of gathering wild vegetables, yerbs and

and cane, upon which
many have managed
to subsist.
The Mayor of Dabela
de Sagua (Sagua's port)
is my authority for saying
that when he (the Mayor)
said to Genl Weyler
that his recent order
prohibiting the catch
of fish would cause
the death of thousands,
unless the government
supplied them with food
Mr. Weyler's reply "was" such
is what I intended the
order to accomplish."

I am Sir

Your obt

United States Senate

Council

Copy.

ack. & copy to Jan. 7/6.

No. 5 5 0.

U. S. CONSULATE GENERAL.

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REC'D.
JUL 2 1897
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HABANA, June 26th. 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Visas to Chinese certificates.

---------0---------

Treasury
Ack. ref. to Treasury
Note in regard to
Chinese matter

No 5 6.0.

U. S. CONSULATE GENERAL.

HABANA, June 26th, 1897.

Hon: William R.Day,
Assistant Secretary of State,
Washington. D. C.

Sir:

In accordance with paragraph 373 of Consular Regulations, I have the honor to inform the Department that the following certificates issued to chinese subjects, students and merchants of the exempt class, have been visaed at this office to entitle them to admission into the United States.

Visa No. 214, Chung Kai Yuen. Student.
" " " 215. Chung Ming. do.
" " 216. Chung Shon Mai. Merchant.
" " 217. Chung Fon. do.

These 4 chinese sailed by S.S. "SARATOGA" on June 24th for New York.

Visa No.	206.	Won Lok.	Visa No.	207.	Lam Yol.
"	" 209.	Chu Sue Fung.	"	" 211.	Wong Yew.
"	" 212.	Chung Mon Lem.	"	" 220.	Lee Woey.
"	" 223.	Chew Wong.			

The above 7 chinese, merchants, will sail today by Steamer "CITY of WASHINGTON", bound to New York.

I am, Sir,

Your obedient servant,

Consul General.

No5 5 1.

ANSWERED COPY TO Senator Foraker Hamilton Fish JUL 9 1897

Copy to Jacob Huff. AUG 4 1897

U. S. CONSULATE GENERAL.

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HABANA, June 29th.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

The case of PEARCE ATKINSON.

----------0----------

One enclosure.

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No. 5 5 1.

U. S. CONSULATE GENERAL.

HABANA, June 29th.1897.

Honorable William R. Day,
Assistant Secretary of State,
Washington.

Sir:-

With reference again to the case of PEARCE ATKINSON, who was among the insurgent forces, and reported killed on August 4th.1896, I have now the honor to transmit copy of an affidavit made before me this day, by Mr. JOHN ALLEN FLOYD, who was with him in the insurrection, and as he states, saw him after death and assisted in burying him.

I understand that this information is much desired to settle his estate, and letters have been received here to that effect from the law firm of HAMILTON and FULLENWIDER of 134 Munroe St. Chicago, Attorneys for the Administrator, but no opportunity has presented itself until now to obtain the desired affidavit of some one who saw him after death.

I would suggest that the Department, if convenient, communicate the foregoing facts to said firm.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Further particulars respecting the killing of Pearce Atkinson on August 4th.1896.

Enclosure No.1.

With Despatch No.551.

Habana June 29th.1897.

Copy.

U.S.Consulate General, Habana,

June 29th.1897.

BE IT KNOWN that on this 29th.day of June 1897,before me, the undersigned Consul General of the United States of America at Habana,personally came Mr.JOHN A. FLOYD,to me known,who being duly sworn,did declare and state as follows:-

That his name is JOHN ALLEN FLOYD, that he is 30 years of age, single, was born in Calhoun County,Georgia, and belongs to Columbus,Georgia:

That on the night of June 17th.1896 he embarked on the steamer "Three Friends", at the port of Jacksonville,Florida; on an expedition bound to Cuba; that the expeditionists numbered about forty three persons,and among them an American by the name of PEARCE ATKINSON, of about the same age as this appearer; that they early became friends, and after the expedition landed on the 23rd.of June, between Cape San Antonio and Cape Corrientes,they joined the same body of Cuban insurgents commanded by Col. LLORENTE, and proceeded into the interior where they joined MACEO'S forces:

That there were also two other Americans in the party, HOWARD H. DOUGHTY and Wra. C. FARLEY, and circumstances threw them into each other's company, so much so that ATKINSON,FARLEY and this appearer messed together, until about July 15th.or 20th.,when FARLEY went off with MACEO, leaving ATKINSON and himself with the forces commanded by PEDRO A. DIAZ:

Before this separation occurred,they had each become more acquainted with the antecedents,family relations etc.of each other, and ATKINSON,FARLEY and this appearer made a compact whereby in case of either of the three being killed in battle,

or dying from wounds or disease, the others would see him buried after first cutting off a lock or two of hair for his family, and also endeavor to communicate the facts attending his disease to his friends or family in the United States:

That when FARLEY left them in July, ATKINSON and this appearer continued to mess together and were much together.

That about the 25th. of July MACEO ordered ATKINSON and this appearer to join his staff, and here they remained until the attack upon the train near Taco Taco, a point west of San Cristobal in the Pinar del Rio province:

This attack occurred on the morning of August 4th., and lasted about a half an hour. This appearer was in front of MACEO moving down the line, and ATKINSON behind him, both acting as aids-de-camp. During the attack, and after the firing commenced, this appearer got separated from ATKINSON, and did not see him until the firing was over. Not seeing him, he made inquiries and learned from Brig. Gen'l. SOTOMAYOR that he had been killed. Then this appearer searched until he found his body where it had been taken after death into the underbrush for the purpose of burial. He had three wounds in the head, any of which would have been necessarily fatal. There were two or three negro privates standing by commenting on his death, and this appearer empressed their services into aiding him to make a grave and bury him, and before burying him he cut a lock of hair from his head, which he still preserves.

There was scarcely any time to make a complete identification of the place, as the Cuban rear guard had passed, and the Spanish forces were advancing and shooting, yet this appearer stuck a stick into the ground at the head of the grave, and then they all rapidly retreated.

Within a few days after PEARCE ATKINSON'S death, as opportunity offered itself, this appearer sent off letters to apprise his family and friends. He wrote to his own family in Columbus, Ga., to CLARENCE ATKINSON in Chicago, and to the Atlan-

ta

"Constitution" enclosing a short article upon affairs which he offered as payment if the paper would convey the intelligence of ATKINSON'S death to his family. He has reason to believe that none of these letters were received.

And this appearer upon his solemn oath, doth declare that he became well acquainted with PEARCE ATKINSON, that he saw and identified him after death, and that he buried him a short distance from where he was killed on the 4th. August 1896.

(signed) JOHN ALLEN FLOYD.

Sworn to and subscribed before me this 29th. June 1897.

(signed) FITZHUGH LEE.

Consul General.

---------o---------

1896
ALL LINEN
CRANE'S

DIPLOMATIC
JUL 12 1897
BUREAU

No. 552.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JUL 6 1897
DEPT. OF STATE

HABANA, June 30,1897.

Acknowledged.
AUG 13 1897

Mr.LEE

to the

DEPARTMENT OF STATE.

----------o----------

Protest of Mr.ALBERT BROCH,a citizen of the United States,against the appraisement of duties made by the Matanzas custom house on certain iron tilesaand pieces of metal received from the United States in October,1892.

----------o----------

1 Enclosure.

July 12. 1897
Mr. N K Fairbank Co
Chicago
N. Oct. 17, 1897

No. 552.

U. S. CONSULATE GENERAL.

HABANA, June 30th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to transmit herewith, copy of the protest of Mr.Albert Broch, a citizen of the United States, and a sugar planter in the province of Matanzas, against the appraisement made by the custom house of the port of Matanzas, on certain iron tiles and other pieces of the same metal, of American production and imported from the United States, to the consignment of Messrs.Bea, Bellido and Company by the Norwegian steamer "Kitty", on the 8th of October, 1892, which I have presented to the Intendant General of Finance of this Island, in compliance with the Department's telegraphic instruction of 12th July, 1894; the said appraisement being considered contrary to schedule A of the reciprocity agreement between the United States and Spain, then in force, as well as against the Repertory signed at Washington the 17th of October, 1892, whereby said merchandise was declared as free of import duties. Consequently, Mr.Broch protests and demands the return of $4987.50, gold, deposited in payment of the said unlawfully exacted duties.

This telegram instructed the Cons. Genl. to demand free entry under reciprocity agreement of Cottolene shipped by A. K. Fairbank & Co.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure:

Copy of protest, May 21st, 1897.

Enclosure No.1.

With Despatch No. 552

H A B A N A , June 30 1897.

TRANSLATION.

To the Consul General of the United States.

The undersigned, ALBERTO BROCH, a citizen of the United States, has the honor to state the following:

That on the eighth of October, 1892, the Norwegian steamer "Kitty" arrived at Matanzas, from New York, consigned to Messrs. Bea Bellido and Co., merchants of the first named city, bringing on board for the undersigned, certain iron tiles and other pieces of the same metal, of American production and from the United States.

The said merchandise having been despatched at the Matanzas custom house, in accordance with schedule A. of the agreement between the United States and Spain, it was declared as free of import duties, as it should appear by the document or proceedings of the case.

Later on, without any just cause, the duties were ordered to be liquidated, as if the merchandise imported was of English production; and , therefore, with the penalty provided by case first, only parragraph of article 151 of the Customs Regulations, it being understood that the merchandise was falsely supposed to be product of a Nation which enjoyed special custom franchises, not enjoyed by the British Nation.

For the purpose of justifying that the merchandise was, in fact, of American production, as declared, the Spanish Consulate at New York was asked to furnish the proper affidavit, which the said Consulate issued in due form and is attached to the proceedings instituted by the Matanzas custom house.

While the facts in the case were being proved the custom house demanded the payment of the duties and of the fine imposed, or if otherwise, that the total amount of same be deposited with due reserve.

Messrs. Bea Bellido and Company in obedience with the laws of this country and the orders of its authorities, paid on account of the undersigned, and as a deposit, on the 22nd May, 1895, the amount of $4987.50 in Spanish gold.

The deposit having been made and the American origin of the merchandise having been proved by means of the document visaed by the Consul of Spain at New York, which cannot be doubtful to the Spanish Government, and this document having been attached to the proceedings, it seemed natural that the exemption of custom duties and fines should have been declared without further delay, and that the amount deposited should have been ordered to be returned to the undersigned, or to his representatives, Messrs. Bea Bellido and Company. But such has not happened, notwithstanding the time elapsed.

In view of the above and of the manifest infraction, on the part of the Spanish officials, of the agreement with the United States, the undersigned applies to you as the worthy representative here of the federal government, protesting against such procedure as many times as it may become necessary, and asking that the return of the $4987.50, gold, deposited, be claimed through the most efficacious channel, and, besides, the interests on the said amount for the unjustified delay suffered, counting from the date when it was proved by the proceedings (expediente) that the merchandise imported was of American production and origin, and not English as it was erroneously and tenaciously pretended by the custom house officials.

Habana, May 21st, 1897.

(signed) ALBERTO BROCH.

No. 553.

DIPLOMATIC
JUL 12 1897
BUREAU.

U. S. CONSULATE GENERAL.

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REC'D
JUL 6 1897
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HABANA, June 30,1897.

To Madrid aug 12

Mr.LEE

to the

DEPARTMENT OF STATE.

Transmitting protests of Mr.Albert Broch,a citizen of the United States,and claims for indemnity for losses and damages to his property and interests,by Cuban insurgents and Spanish troops.

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2 Enclosures.

No. 553.

U. S. CONSULATE GENERAL.

HABANA, June 30,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

At the request of Mr.Albert Broch,a citizen of the United States,and a resident of this city,I transmit herewith copies of protests against the Spanish Government made by him before me on the 28th instant,embodying claims for indemnity for losses and damages to his property and interests; one,for depredations of the insurgent forces,estimated as amounting to $730,540 and the other for losses and damages occasioned by the depredations of the Spanish troops,which is estimated at $648,590

I am,Sir,your obedient servant,

Consul General.

2 Enclosures:

No.1.-Protest against damages caused by insurgent forces.

No.2.-Protest against damages caused by Spanish troops.

Enclosure No.1.
With Despatch No.553
H A B A N A, June 30, 1897.

U.S.Consulate General at HABANA, CUBA.

BE IT KNOWN, that on this 28th.day of June 1897, before me, the undersigned, Consul General of the United States of America at Habana, Cuba, personally came Mr.ALBERT BROCH, of this city, to me personally known, who being first duly sworn did declare and state as follows:-

That he is a native of this city of Habana in this Island, 49 years of age and married; that he is a naturalized citizen of the United States, having obtained his certificate of naturalization at the U.S.District Court in Philadelphia on the 28th.day of September 1869; that he came to Cuba in the year 1871, with a passport from the Department of State No.14,518, and on or about the 17th.August 1871, was registered at the U.S.Consulate General in Habana, under No.986. That he is a planter, and has been engaged in the planting and raising of cane over six years past, and upon the breaking out of the present insurrection he was engaged in the cultivation of sugar upon his estates, consisting of the sugar plantations "Elizalde", the property of his wife, Da.JULIA ROUVIER de BROCH; of the colonia "El Coronel", and the "demolidos", or non-grinding plantations "Mercedes" and "Santa Rosa", the latter with its annexed colonia "Atrevido", - all situated in the Province of Matanzas, jurisdiction or district of Colon, and township of Macurijes, and well planted and cultivated by himself, and stocked with cattle all of which on the grazing farms "Mercedes" and "Santa Rosa" were the exclusive property of this appearer.

That in December of 1895, occurred the invasion of his said district of Colon by the insurgent forces, those subjects of Spain in revolt against the Government of this Island, commanded by Maximo Gomez, Antonio Maceo and other insurgent chiefs, the fear of who had already previously forced this appearer and the members of his family to abandon the property; and who afterwards burned forty nine "caballerias" of cane on the "Elizalde"

plantation,fifteen "caballerias" of cane on the "Coronel" colonia,and four "caballerias" of cane on the "Atrevido" colonia; That all of said cane was ready for cutting and grinding, and all preparations had been made on the estate to take off the crop when thus wantonly and utterly destroyed;-

That on or about the 24th.January 1896,a van-guard of the insurgent party,commanded by the insurgent chief Lacret presented itself in the morning at the batey of the "Elizalde" plantation,and after asking for a number of times for the owner or administrator of the estate,went into the dwelling house, broke open four cedar presses,and seized and carried off all the clothing that had been left by the owners of the place,and also carried off several pieces of valuable jewelry; and later on,some of the bands that almost daily marauded the district, seized and carried away with them 32 horses and 49 head of cattle,all of the property of this appearer; That he duly notified the Acting Alcalde,Major Don.Antonio Rodriguez y Rivera, and has his due acknowledgment therefor,of everything respecting the burning of his property and theft of his horses and cattle.

That in consequence of these events,and the frequent calls of insurgent bands at the place and demands upon the Administrator,who had been kept in charge,for money and supplies,and threats against his life,the said Administrator,Don Nicanor Nuñell y Martinez,was also forced to abandon the property,and come into the town of Corral Falso de Macurijes,of which this appearer was duly advised by his frequent letters; and all of which appears in the sworn statement made by said Administrator in the town of Corral Falso de Macurijes,before the Municipal Judge,Don Doroteo Rodriguez y Cespedes,and clerk of court, Don Franco.Rodriguez,and the subscribing witnesses,on the 3rd. of February 1896,of which this appearer has a certified copy issued by said Court.

That the said Administrator in another sworn statement made by him before the same court,and in presence of witnesses,

on the 17th.February 1896,of which this appearer also has a certified copy,states that an insurgent force under command of Simon Sanchez,on or about the 14th.February,burned seventeen "caballerías" of cane on the "Santa Rosa",colonias,all of which had been planted and was ready for cutting and grinding,and for which preparation had been making In consequence of these fires,all the fences of both colonias were also destroyed,as well as the pastures and grass fields used to feed the stock; all of which stock completely disappeared to the number of:-

1097 cows,with their calves
453 oxen,
69 colts,
50 horses and 33 mares.

) and which,on account of the circumstances,it was impossible to get together again.

This appearer estimates that between 30th.December 1895 and February 14th.1896,some 6,000,000 arrobas of cane of his property,all ready planted and grown,ready for grinding were burned by the insurgents,on the Central "Elizalde" and its annexed colonias "Santa Rosa", "Mercedes","Coronel" and "Atrevido". The necessary reports were at the time made to the civil authorities of all the aforesaid losses and damages,and proper acknowledgments thereof made and given to this appearer or his agent.

That in a similar sworn statement made before the same authority by the Administrator of the "Santa Rosa", "Mercedes", and "Atrevido" colonias,belonging to the "Elizalde" plantation, it appears that said agent,who has been in charge of said property for a number of years,was obliged on the 10th.of February '96 to abandon the property,and come into the town of Jovellanos to reside,on account of the almost daily threats, exactions and abuse by insurgent bands marauding in the vicinity,and several times encamping on the plantations,and committing thefts and depredations everywhere,and threatening his life if he did not deliver up arms and effects. All the other employees of the estate and colonias also abandoned their

places,for fear of their lives,and lest they might be charged as aiders and abettors of the insurrection.

And the said appearer declares that the following is a careful estimate of the amount of losses and damages to his property and interests,suffered by him by reason of the facts herein set forth; to wit:-

6,000,000 arrobas of cane of the "Elizalde" plantation, which it is calculated would have produced,-----		$130,000.
Damages caused by abandonment of my property,----		100,000.
Value of the cane of 49 caballerias of "Elizalde" calculated as 50,000 per caba.or $4.00 the hundred weight,----------		98,000.
Damages caused to said cane fields by abandonment and fire,and which must be renewed by replanting----		49,000.
Value of 1146 cows and calves at $50. ----------		57,300.
" 453 oxen	" 60. ----------	27,180.
" 69 colts	" 40. ----------	2,760.
" 82 horses	" 100. ----------	8,200.
33 " 33 mares	" 60. ----------	1,900.
Damages caused by not having ground the cane of "Elizalde",estimating only 6,000,000 arrobas of cane,and calculating this at $2.- per hundred weight of arrobas of cane, profit in the production. ----------		120,000.
Colonia "El Coronel".		
Damages to the 15 caballerias cane burnt,aal-culating only the one half at $4.-the hundred of arrobas of cane. ----------		15,000.
Expenses of reparation (refaccion) lost. --------		7,000.
Damages to the buildings by abandonment. --------		3,000.
"Mercedes".		
Damages occasioned to 17 caballerias of cane, calculated similar to the previous one. ---------		17,000.
Expenses of reparation (refaccion) lost. --------		8,000.
Damages to the buildings,by abandonment. --------		3,500.
		$647,840

Carried forward	$647,840
"Santa Rosa" and "Atrevido".	
Damages occasioned to 41 caballerias of cane, calculated similarly to the previous colonias. ----------	41,000.
Expenses of reparation ("refaccion") lost. ----	18,000.
Losses to its buildings. ----------	13,000.
Fences. Value of the fences destroyed by fire on the "Elizalde". ----------	3,200.
Value of fences destroyed by fire on the "Mercedes", "Santa Rosa", "Coronel" and "Atrevido.	7,500.
TOTAL.	$ 730,540.

Seven hundred and Thirty Thousand Five Hundred and Forty dollars.

WHEREFORE, the said appearer doth publicly and solemnly protest against the Government of Spain in the Island of Cuba, for the losses and damages to his property and interests which he has suffered, is now suffering and may hereafter suffer, on account of the present state of affairs in this Island, and the lack of protection afforded him by the said Spanish Government; and that he considers himself in consequence thereof as entitled to receive an indemnity from said Government of a sum equivalent at least to the losses he has suffered, and interest thereon till time of payment, and such further relief as may be accorded him in the premises, and doth hereby make formal demand and claim for the same.

(signed) Alberto Broch.

U.S.Consulate General,

H A B A N A.

BE IT KNOWN that on this 28th.day of June 1897,before me, the undersigned,Consul General of the United States of America at Habana,personally appeared Mr.ALBERTO BROCH,a citizen of the United States,of this city,to me personally known to be the person named in the foregoing document of the nature of a protest and claim for indemnity,against the Spanish Government, to which he hath subscribed his name,and duly sworn,deposed unto the facts therein stated,which he declares to be true.

(SEAL) WITNESS my hand and official seal at Habana this 28th.day of June,A.D.1897.

(signed) Fitzhugh Lee.

Consul General.

---------o---------

A true Copy.

Fitzhugh Lee

Condul General.

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Enclosure No.2.
With Despatch No.
H A B A N A , June 30th,1897.

U.S.CONSULATE GENERAL at HABANA,CUBA.

BE IT KNOWN,that on this 28th.day of June 1897,before me, the undersigned Consul General of the United States of America at Habana,personally appeared Mr.ALBERT BROCH,of this city,to me personally known,who being first duly sworn did declare and state as follows:-

That he is a native of this city of Habana,in this Island, 49 years of age and married,that he is a naturalized citizen of the United States,having obtained his certificate of naturalization at the U.S.District Court in Philadelphia on the 28th September 1869, that he came to Cuba in the year 1871 with a passport from the Department of State,No.14,518,and on or about the 17th.August 1871,was registered in the U/S.Consulate General in Habana,under number 986; that he is a planter and has been engaged in the planting and raising of cane over six years past,and upon the breaking out of the present insurrection,he was engaged in the cultivation of sugar upon his estates; consisting of the sugar plantation "Elizalde",the property of his wife Doña JULIA ROUVIER de BROCH,of the colonia "El Coronel" and the "demolidos" or non-grinding plantations "Mercedes" and "Santa Rosa",the latter with its annexed colonia "Atrevido", all situated in the Province of Matanzas,jurisdiction or district of Colon,and township of Macurijes,and well planted and cultivated by himself,and stocked with cattle all of which on the grazing farms "Mercedes" and "Santa Rosa",were the exclusive property of this appearer.

And the said appearer further declares that he has already set forth in a statement made this day before the U.S.Consul General at Habana,making a protest and claiming an indemnity from the Spanish Government therefor,all the losses occasioned to his aforesaid property and interests by the invasion of his said district of Colon in December 1895 by the insurgent forces commanded by MAXIMO GOMEZ,ANTONIO MACEO,LACRET,SIMON SANCHEZ

and others,which compelled himself and family to abandon the estates,and later on,all the employees of same,and come into the towns of Corral Falso de Macurijes and Jovellanos to reside;that his cane fields were burned,cattle and stock stolen, fences destroyed and sundry other damages done to his property, all as set forth in the before mentioned statement.

But that his aforesaid property has further suffered loss and injury,during the period elapsed since the date last named, all of which has been duly communicated to the authorities,but without being able to specify the authors of the same,owing to the difficulty of getting witnesses to substantiate the said reports:-

On the "Elizalde" estate:-

On January 19th.some 30 caballerias of cane were burned by the Corral Falso guerrillas, Spanish forces:say about 1,500,000 arrobas of cane at $3.per hundred arrobas.----------	$ 45,000.
March 13th.10caballerias of cane were burned by the same forces,say 150,000 arrobas at $3.per hundred.----------	15,000.
March 30th.9 caballerias were burned in consequence of the fire set on the Clementina Hill by the Jovellanos guerrillas; say 450,000 arrobas cane,at $3.----------	13,500.
Value of the fields which in consequence will have to be tilled over again and replanted.----------	49,000.

On "Santa Rosa" and "Atrevido".

January 14th.31 caballerias of cane on the "Santa Rosa" and 10 on the "Atrevido" were burned by the Albuera Battalion; say 2,050,000 arrobas at $3.----------	61,500.
Loss in order to renew the destroyed cane field,retilling and replanting.----------	41,000.
Forward.	$ 225,000.

Brought forward	$ 225,000.
On "El Coronel"	
January 23rd. 15 caballerias of cane were burned by the column under command of Gen'l.Weyler,say 750,000 arrobas cane at $3.----------	22,500.
Retilling and replanting of the cane fields which were left completely destroyed.--------	15,000.
On "Mercedes".	
January 23rd. 17 caballerias of cane were burned by the column under Gen'l.Weyler,say 850,000 arrobas of cane at $3. per hundred. --	25,000.
Burning and destruction of the buildings on the estate by the same column of Spanish troops.-	85,000.
Loss for retilling and replanting of the destroyed cane fields.----------	17,000.
On "Elizalde".	
Estimated loss sustained by this plantation and its colonias by not grinding and taking off the crops of this year.----------	130,000.
Loss sustained by not having been allowed to grind,as it could have ground in addition to its own,some 6,000,000 arrobas cane of other plantations.----------	120,000.
That in June of the year 1896 this appearer through the U.S.Consulate General claimed of the Government 50 brood mares and colts which had been taken away from the grazing farm "Mercedes" but to which claim the Government has not made any reply. But the number altogether of stock taken,sold and distributed in Jovellanos by the Comandante Militar amounted to 110 head. Due report of same was made to the authorities at Corral Falso by Don LEONARDO LOINAZ,the attorney of this appearer.	
Value of said stock at $90.----------	9,090.
Total	$648,590.

This appearer further declares that he is a peaceful and law abiding resident, that he has always paid all the lawful taxes and charges on his property levied by the Spanish Government in this Island, and that he has carefully abstained from any connection with the question of politics or of the present insurrection, and that therefore he was entitled to the protection of the Spanish Government for his person and property, but instead thereof has suffered grievous losses and damages, by reason of the lack of said protection, and to the depredations of the Spanish troops.

WHEREFORE he doth solemnly and publicly protest against the said Spanish Government in this Island of Cuba, against the losses and injuries to his property and interests as herein set forth, by reason of the action of the Spanish Government in the premises, and the consequent losses and injuries, costs and damages resulting to him, and thereby originated; and doth declare that he believes himself entitled to claim an indemnity therefor, to the amount as stated of Six Hundred and Forty Eight Thousand Five Hundred and Ninety DOLLARS. - $648,590.00 and interest thereon till time of payment, and doth hereby make formal demand and claim for same.

(signed) ALBERT BROCH.

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U.S.Consulate General,

H A B A N A.

BE IT KNOWN that on this 28th.day of June 1897, before me the undersigned Consul General of the United States of America at Habana, personally appeared Mr.ALBERT BROCH, a citizen of the United States, of this city, to me personally known to be the same person named in the foregoing document of the nature of a protest and claim for indemnity against the Spanish Government, to which he hath subscribed his name, and duly sworn deposed unto the facts therein stated which he declares to be true.

(SEAL) WITNESS my hand and official Seal at Habana this 28th.day of June A.D.1897.

(Signed) Fitzhugh Lee.

Consul General.

---------o---------

A true copy:-

Fitzhugh Lee

Consul General.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Volume 130 1/2

July 1-August 31, 1897

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

2D ASSISTANT SECRETARY.
Ack by ltr + file.
JUL 9 1897

No. 554.

U. S. CONSULATE GENERAL.

HABANA, July 1,1897

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REC'D.
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I 338
Reg 4922 FBP

Acknowledged.
Form
JUL 14 1897

Mr. LEE

to the

DEPARTMENT OF STATE.

---o---

Transmitting copy of a communication from the

Acting Governor General.

---o---

1 Enclosure.

No. 554. 554.

U. S. CONSULATE GENERAL.

HABANA, July 1st, 1897.

Hon: William R. Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

I have the honor to transmit herewith a translation of the judicious, sensible and courteous communication received yesterday from His Excellency the Marquis de AHUMADA, the Acting Governor General.

If the facts are as stated, I would suggest that American consuls on this Island be instructed to exercise due patience and exhibit due forbearance in all official communication with the Spanish authorities.

I am, Sir,

Ypur obedient servant,

Fitzhugh Lee

Consul General.

one enclosure:

The Marquis de AHUMADA to Consul General LEE, June 30, 1897.

Enclosure No.1.
With Despatch No.554.
H A B A N A , July 1st,1897.

TRANSLATION.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

To the Consul General of the United States of America in this city.

Sir:

His Excellency the Captain General transmits to this general government a communication from the Military Commandant at Sagua la Grande referring to a note from the U.S.Commercial Agent at that place,stating that he had informed his government of the delay with which he had been replied to respecting some information he had asked for respecting the precautionary measures adopted in the public jail of said place to protect from small pox the American citizen Rafael Fernandez Diaz,in c case it were true that said disease had made its appearance in that penal establishment.

From the reports furnished by the military authority referred to,it appears that there has been no delay whatever in t the reply to the information asked for by the Commercial Agent,beyond the natural delay of the usual procedure,as in order to comply with the request of said Commercial Agent,it was necessary for the Military Commandant to ask for data of the local authority,in which procedure was used only the time that passed from the 30 of April,date of the consular note, to the 4th of May,on which it was answered. I have therefore deemed it convenient to address you on the subject in order that being fully informed of the facts,you might report to

No. 555.

2.

your Government exactly what occurred, and also to beg that you will please recommend to the said Commercial Agent, and to other consular officers on the Island, greater calmness and consideration in matters connected with the administration of publicaffairs, which have their usual procedure.

God guard you many years.

Habana, June 30 1897.

(Sgd) El Marques de Ahumada,

Acting Governor General.

Answering Department's Instruction No.587, relative to messenger service.

No. 555.

U. S. CONSULATE GENERAL.

HABANA, July 1,1897.

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ASSISTANT SECRETARY JUL 10 1897 DEPARTMENT OF STATE.

Acknowledged. JUL 13 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Copy to D. Rockwell for Havana records 7/19/97

Answering Department's instruction No.387, relative to messenger service.

---------o---------

No. 555.

U. S. CONSULATE GENERAL.

HABANA, July 1,1897.

Hon.William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

Replying to your number 387 of the 26th instant in regard to the messenger service in this office,I have the honor to state that the boatman here has always been paid at the rate of $1.- per trip,anywhere in the harbor of Habana,and that his receipts average about $50 per month. He feeds himself and furnishes his own boat,so that the Government is at no expense except for such official trips as are necessary,and which are duly registered and paid at above rates. I do not think he can be employed to any extent as a messenger,as the steamers depart at irregular hours and he cannot leave his boat,oars, sails,etc.,except for brief periods,lest something be stolen.

Our clerks cannot well take to and fro large bags of mail to the post office,and much inconvenience and delay often results from waiting for the boatman. The boatman,an excellent man on the water,can never be made a good messenger on land, and will necessarily be away frequently at the very time an important telegraphic or other message should be despatched. The consulate is located some distance from the water and the large steamers are anchored in good distances from the shores in various parts of the harbor.

A young man or boy,whose services can be obtained at $300 per annum,and who will be always in place would be most advantageous.

I am,Sir,your obedient servant.

Fitzhugh Lee

Consul General.

No. 556.

U. S. CONSULATE GENERAL.

HABANA, July 1,1897.

ANSWERED TO Otto E Young. JUL 13 1897

INDEX BUREAU REC'D. JUL 8 1897 DEPT OF STATE

Mr. LEE

TO THE

DEPARTMENT of STATE.

Answering Department's instruction No.381relative to a young American,Albert Slusser by name.

Cons Bu—

Please write Hon
Otto Gresham
O, giving him substance
of this report as to
Russia.

D.

ASSISTANT SECRETARY
JUL 10 1897
DEPARTMENT OF STATE.

No. 556.

U. S. CONSULATE GENERAL.

HABANA, July 1,1897.

Hon.William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

In reply to the Department's instruction No.381,of 22nd instant,to report any information I may be able to obtain concerning a young American,Albert Slusser by name,who is reported to have been taken prisoner in the Eastern part of Cuba,charged with assisting the Cubans in their war with Spain,I have to say that I have no information whatever as to the recent capture by the Spaniards of any American citizen in the Eastern part of Cuba,but will communicate with our consuls in that Department,on the subject.

The difficulty of obtaining any reliable information regarding any person reported to be in the insurrection,apart from the natural and obvious difficulties of the situation,is due to the fact that in most cases,the name is changed,and an alias adopted.

I have a case in hand,a person about whom I have had several inquiries during the past year,and received letters for ,of the name of Floyd,of Columbia,Ga.,lately presented himself under the name of Jones,which he adopted from the time he landed in Cuba in June of 1896.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

T. OF STATE
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Conf. & Mr. Given acct. 18-

File

TELEGRAM RECEIVED.

From Havana

July 2, 1897.

Assistant Secy State, Received 12 15 P. M.

Washington, D.C.

Agustin Clemente Betancourt, American Citizen, released on condition leave Island

Lee

Given to Mrs Cuy direction of Day, July 2, 1897.

Rec'd

CONSULAR BUREAU
JUL 8 1897
Department of State.

FILE

No. 5 5 7.

U. S. CONSULATE GENERAL.

HABANA, July 3.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

----------0----------

No. 5 5 7.

U. S. CONSULATE GENERAL.

HABANA, July 3.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to confirm my telegram of June 26th. reading:-

> Hon:William R.Day,
> State Department,Washington.
> Pronounce statement Madrid paper just seen,that my son is connected with premature publication Ruiz report maliciously false. My son has no official connection with this Consulate,had nothing to do with,or knows anything of such publication. Request you allow above to be published.
> (signed) Lee.

I also confirm the following telegram:-

> Habana July 2.1897.
> Assistant Secretary State,Washington.
> Agustin Clemente Betancourt,American citizen,released on condition leave Island. (signed) Lee.

I also acknowledge the receipt of the following from the Department:-

> Washington June 30.1897.
> Lee,Consul General,Habana.
> Reported estate "La Confianza" at Vieja Bermeja,Matanzas,belonging to Farres,a citizen of the United States residing in New York,is included by proclamation in agricultural zone on which to colonize concentrated Cubans. This is taking property for a public use prohibited by treaty 1795, besides entailing incalculable damage. You will protest and ask revocation of the order so far as it assumes to invade American treaty. Reply.
> (signed) Sherman.

Upon receipt of above telegram I telegraphed to the U.S.Consul at Matanzas to learn the facts regarding said estate,but as yet have received no reply.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

No. 558.

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

Acknowledged. JUL 10 1897

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Mr. LEE

to the

DEPARTMENT OF STATE.

----------o----------

Transmitting a copy of a letter from Alfred Laborde, captai of the American schooner "Competitor".

----------o----------

1 Enclosure.

No. 558.

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

Hon.William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to enclose herewith a note,which reached me to-day from Alfred Laborde,the captain of the "Competitor".

The Teodoro Maza mentioned in said note is said to have been a Spanish spy,who shipped with the "Competitor" crew,and being a Spanish subject his case has never been mentioned in any of the despatches from this Consulate.

D.Antonio Mesa y Dominguez is the lawyer for the "Competitor" prisoners.

In reference to the statement of the Judge,that Laborde is not an American citizen I beg leave to call the attention of the Department to a despatch from this Consulate No.223 of November 19th,1896. Laborde claims to have been born in New Orleans. I presume the certificate of the Collector of Customs in Key West as to his appointment as master of the American schooner "Competitor",authenticated by the Spanish Consul at that point, is evidence in itself that he is an American citizen. I also,in this connection,beg to refer to my despatches Nos.226 and 260.

I am,Sir,your obedient servant.

Fitzhugh Lee

Consul General.

1 Enclosure: Mr.Laborde to Mr.Lee.

Enclosure No.1.

With Despatch No. 558

Habana July 2 ,1897.

Copy.

Calaboza 41, Cabañas,

July 2.1897.

General Lee,

Dear Sir:-

This morning we were taken to the Flag Room to make a fresh declaration in view of our coming trial. When the Judge told us that we were to be tried as rebels and pirates he also said that neither Gildea nor Barnett belonged to the crew of the vessel, and that they came in the schooner as expeditionists. It also seems very queer that every time we are taken out for examination they should always take Theodore Maza out before and not with us.

Don Antonio Mesa Domingo was present during our examination, and advised us not to conform with the statement made. The Judge also informed me that I was not an American citizen, and I referred him to you.

Señor Domingo can inform you of all that occurred.

Hoping you will excuse me for troubling you, I beg to remain,

Yours truly,

(signed) Alfred Laborde.

Captain Schooner "Competitor".

----------0----------

Copy. 559

No. 559.

Acknowledged. JUL 21 1897

To Madrid Aug 12

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

INDEX BUREAU RECD. JUL 6 1897 DEPT. OF STATE

Mr. LEE

to the

DEPARTMENT OF. STATE.

----------o----------

Transmitting a copy of a letter from Manuel Fernandez Chaqueilo, a prisoner in the fort "Cabaña.

----------o----------

1 Enclosure.

No. 559.

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

ASSISTANT SECRETARY
JUL 8 1897
DEPARTMENT OF STATE.

Hon.William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to enclose herewith a copy of a note received to-day from the prisoner Manuel Fernandez Chaqueilo.

He means, when he says he is not a prisoner that he presented himself,and is therefore what is termed here a "presentado". In this connection I beg to refer to my despatches Nos. 160, 168,175,178,188 and 233,dated,respectively,the 9th,14th,14th, 21st October,and 25th November,1896.

This young man ,as it will be seen from the despatches, to which the attention of the Department has been called,is a very important witness in the Charles Govin case. He has not been guilty,as far as I can learn,of incendiarism,but,as has been stated,this charge is coupled with that of being an insurrectionist,in order to comply with the Spanish law which permits shooting for such an offence. From the papers in this case,it appears that this boy's father is a naturalized American citizen residing in Key West,Fla.,and he not being of age, and having lived most of his life in Key West, follows his father's nationality. I propose to watch his case closely.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Mr.Fernandez Chaqueilo to Mr.Lee.

Enclosure No. 1

With Despatch No. 559

Habana July 2., 1897.

Copy-translation. (received July 2nd.1897)

Fitzhugh Lee, Esquire,

U.S.Consul General,

Habana.

Sir:-

I have been called to the guard room where, in the presence of my advocate, the charges of rebellion with the aggravating circumstance of incendiarism (arson) were read to me. The prosecutor asks the death penalty, whereas I have neither committed nor witnessed any act of arson whatever, and besides I am not a prisoner, and the only witness I have in my favor is rejected because he is my companion in the case and under trial like myself.

I merely inform you of these facts for whatever action you may deem proper to pursue.

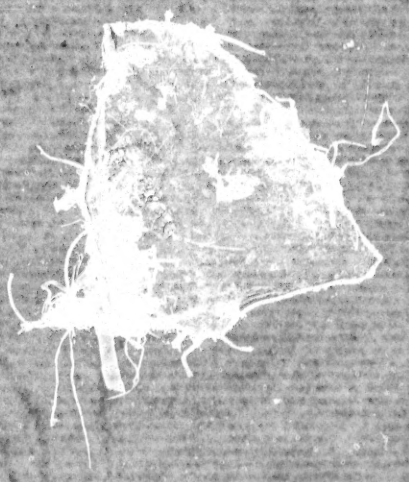
I am, Sir,

Yours respectfully,

(signed) Manuel Fernandez Chaqueilo.

Cell 42, Cabaña Fortress,

Please inform my Father.



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Copy.

No. 560.

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

Acknowledged.
JUL 10 1897
Circular

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ASSISTANT SECRETARY
JUL 8 1897
DEPARTMENT OF STATE.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the relief of destitute American citizens.

---------o---------

2 Enclosures.

No. 560.

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herein a brief summary of the condition of the relief fund to the first of July, and also a statement sent to me by the Consul at Matanzas, which will give you a general idea of the method pursued by the Consuls to whom money has been sent for the purchase of food and medicines.

I am, Sir, your obedient servant,

Consul General.

2 Enclosures:

No.1.- Summary statement referred to.

No.2.-Statement from Consul at Matanzas refrred to.

C. Copy-Consul Habana

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, July, 1st. 1897.

Hon.Wm:R.Day,

Personal.

Hon.Wm:R.Day,

Asst.Sec.State,

Washington, D.C.

My Dear Sir:

I enclose herewith a copy of a letter written from the Insurgent lines by Mr.Fred O. Somerford. Mr.Somerford is an American citizen who has been on the Island for the past two years, he came out here on business and had an Apiary not very far from this city. Recently the Spanish Authorities ordered his workmen to enter and remain within their fortified lines, after which, not being able to continue his business, he abandoned his place and joined the ranks of the Insurgents. I think Mr.Calhoun (if still in Washington) will remember him, as he had several long talks with him in Habana. Mr.C. will recollect him as a large fine looking young American with a pleasant smile showing a fine set of teeth. I have always considered him a most reliable and trustworth -y man.

Since I have been on this Island I have never, of course, communicated in writing or otherwise with persons in the Insurgent lines, but every now and then I get a letter through some of the "under ground" mail routes from some of them.

I have had full conformation, from Spanish sources, of the att-ack on the stage which daily runs from this city to a town twelve or

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, 1897.

Hon. Wm. R. Day,

Personal.

fifteen miles out. The Insurgents surrounded the stage eight miles from the city, and killed three Spanish officers, two or three soldiers, the horses to the stage, and tweny five Spanish cavalrymen who were acting as its escort, but spared a woman and child who were among the passengers. The Insurgents also obtained a large lot of medicine supplies and $4.000 in money.

It is certainly true that large bodies of Insurgents are roaming apparently at will, on all sides of, and not far from, the limits of this city.

General Weyler, who went on a steamer as far as Santiago de Cuba and issued a Proclamation that forty battalions were behind him, left that city to come west again. Largely nearly over one half of the soldiers in the Province of Santiago de Cuba are in hospitals, and if Weyler should at this time throw forty battalions more there - say 40.000 men - over twenty thousand of them would soon be "hors du combat" from climatic causes.

I send you with this two or three copies of "Don Quijote", and am,

Very truly yours,

Fitzhugh Lee

Enclosures.

Copy. (I)

I beg to inform you that I have been in the Insurgent Army for a week, have arrived at the dividing line between the two Provinces Habana and Matanzas, camped in a dozen different places and have not been able to catch sight of a single Spanish soldier, although it is generally considered in Spanish circles that the Province is pacified, I am able to state and verify my statement to anyone who will come out and pay the Insurgent Camp a visit, that the Province is pacified simply because the Spanish troops are not making any attempt to combat the Insurgents. There is no fighting done because the Insurgents do not seek engagements and the Spaniards have practically ceased doing so.

As to number of Insurgents in the Province I can truthfully state, that in my recent estimation of four thousand in the Province of Habana, I have put the number too small by several hundred, since my arrival, in company with General Castillo I have ridden scores of miles, passed numerous Perfectos in the mountains where dozens of families are living, receiving there daily rations from the Perfecto, whose business it is to see that all within the Insurgent lines are provided with rations, all of the women I have talked with here in the mountains declare they will remain indefinately before they will go inside the Spanish lines to be shut up inside the towns to die with their children- of starvation. All who are Cubans and apply for food are given it.

The Spaniards declare the Insurgents are starving, but I am prepared to state that the Insurgents live well and have enough food stored away to last for months, in this Province, even if it should get scarce here, there are 500.000 head of cattle roaming around in Puerto Principe and Santiago de Cuba, that will serve them to continue the war for years.

Copy.

The Insurgents are also better armed than ever, they have received two expeditions within the last ninety days in this Province - One bringing 275 Remingtons and 200.000 cartridges, while the latter one brought 450 Remingtons and 500.000 cartridges - all of these rifles being for infantry.

It is a great pleasure and surprise to me to find such animat--ion in the rank and file of the Cuban Army - From the most humble sold--ier to the highest officer in rank, all declare they will sink as a Nation, before they will accept anything but the absolute independence of the Island - let that come now or ten years hence.

General Alejandro Rodriguez smiled when I asked him if the war could be ended by Spain, granting the Autonomy, he says he has writt--en General Estrada Palma that what ever happens, the war in Cuba will continue until they gain their independence, just to keep on sending them cartridges. General Castillo says that he and his men will fight for years and if food gives out they will catch and eat Pacificos - turn Canibals like the interior inhabitants of Africa.

I am compelled to state that Cuba is virtually in the hands of the Insurgents. For example :- Where this letter is being written the Insurgents have been camped for days within shooting distance of a town, without molestation, just to the west of us is a body of 250 Infantry that have been camped in the same place for two months without being disturbed by the Spaniards, once or twice they came to engage them but each time they retreated. In half dozen more places in this Province companies of Infantry are living as peacefully as our Western troops live on the Frontier of Texas or New Mexico, while the Insurgent cavalry

Copy.

roam over the numerous valleys, moving as often as their horses consume the surrounding pastures.

Spains future promises to put down the Rebellion will be as fruitless as her past have been. In the mean time there are 50.000 Souls, "Pacificos", victims of Weylers "Bandos", praying for a morsel of food, their prayers being answered by a slow but a certain death from starvation.

I remain,

Very truly yours,

(Signed) Fred O. Somerford.

Zone of Aguacate,

June, 17th. 1897.

Enclosure No.1.

With Despatch No. 560

H A B A N A , July 3rd,1897.

CUBAN RELIEF FUND.

1897. May 22. Proceeds of two drafts on Hon: Secretary of State, of $5,000.00 each, at 9 3/4 % P., Span gold $10,975.-
as advised in Despatch No.496, this date :

Expended.

To the U.S.Consul	at Matanzas,	$1,200.-	
do	at Sagua,	"1,500.-	
do	at Cienfuegos,	" 350.-	
do	at Cardenas,	" 200.-	
do	at S.de Cuba,	" 350.-	
Consular Agent	at Sancti-Spirtitus	" 150.-	$ 3,750.-

Relief afforded by Mr.G.W.HYATT, under my directions, from June 8th to 28th, to 429 persons, 400 rations, the greater part for 15 days, and expenses, 1,240.86

Passages paid to United States :

To New York	38 persons,	$1,051.16		
" Key West,	7 do	" 42.-		
" Tampa,	12 do	" 150.48		
" New Orleans,	6 do	" 102.66	"1,346.30	

Relief of sundries, expended by Consul General, for which account and vouchers will be rendered subsequently, with the general report, ... $ 241.15

BALANCE on hand July 1st, ... "4,396.68

$$0,975.- $10,975

HABANA, July 1st, 1897.

Fitzhugh Lee

Consul General.

Enclosure No 2.
With Despatch No. 560
Habana July 3 ,1897.

Copy.

Matanzas, Cuba,
July 1st. 1897.

MEMORANDA of Relief Funds distributed by A. C. Brice, Consul at Matanzas.

Funds received from Consul General Lee, Habana, $1200.00 Spanish gold.

Equivalent in Spanish silver---------- $1471.68

Paid out---------- $1419.80

Cash on hand---------- $ 51.80
$1471.68

Destitute American citizens assisted from May 24th. to July 4th. (inclusive) 42 days. - Monday July 5th. being our next ration day.

Average number of persons assisted---------- 256.

Cost per day including all expense---------- $ 33.80

Cost per day each person (or ration)---------- .13 1/5 cents.

Total number of persons on list this date------ 266.

With one or two exceptions all are satisfied and thankful for the assistance rendered.

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Copy.

FILE

No. 561.

U. S. CONSULATE GENERAL.

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DEPT. OF STATE

HABANA, July 3rd, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of instructions.

No. 561.

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions from No.377, of June 16th, to No.385, of June 25th, both numbers inclusive.

I am, Sir, your obedient servant,

Consul General.

Ack. & Copy to Treas. 7/12. ✓

No. 5 6 2.

U. S. CONSULATE GENERAL.

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HABANA, July 3rd, 1897.

Rest Treasury

Mr. LEE

TO THE

DEPARTMENT of STATE.

Chinse certificates.

---o---

No. 562.

U. S. CONSULATE GENERAL.

HABANA, July 3rd, 1897.

Hon: William R. Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

In accordance with paragraph 373 of Consular Regulations, and with reference to Instruction No.384, of June 25th, I have the honor to inform the Department that the following certificates issued to chinese subjects, students and merchants of the exempt class, have been visaed at this office to entitle them to admission into the United States, upon the following evidence respecting each visa :-

Visa No. 213. LONG SING. 32 years. merchant.

Upon affidavit of YOUNG LOCK, managing partner of the firm of KWONG CHIN CHONG x CO, of No 2. Moot St, New Y'K before James Callam, Notary Public, June 1st, 1897, and visaed by Thos J. Dunn, Deputy Collector, New York, Certificate issued by Chinese consul general, dated june 14th, '97 and visaed by Regional Government, Habana.

" No. 224. CHIU YING. 30 years. merchant.

Upon affidavit of CHIU YOU, managing partner of the firm of WING CHUNG ON Company, of 22 Pell St, New York, before Frank Aiello, Notary Public, May 20th, 1897, and attested by Henry D. Purroy, Clerk of Supreme Court, and visaed by Thos J. Dunn, Deputy Collector, New York. Certificate issued by chinese consul general, dated June 18 and visaed by Regional Government, Habana.

" No. 225. LEE YING. 26 years. merchant.

Upon affidavit of LEE KEE, managing partner of KWONG MOW WO Company, of 13 Pell St, New York, before Frank Aeillo, Notary Public, May 19th, 1897, attested by Clerk of Supreme Court, and visaed by D.G. Hawthorne, Deputy Collector, New York, May 29, 1897.
Certificate issued by chinese consul general, dated June 18 and visaed by Regional Government, Habana.

" 226. CHU LING. 18 years. student.

Upon affidavit of C.S. John, of the firm of HANG LUM CHUN x CO, of No. 4 Doyer St, New York, before Frank Aiello, Notary Public, June 11, '97, and visaed by D.G. Hawthorne, Deputy Collector, New York, June 11, '97.
Certificate issued by chinese consul general, dated June 18 and visaed by the Regional Government, Habana.

"

Visa No.227. LEE KING. 15 years. student.

Upon affidavit of LEE KEE,managing partner of the firm KWONG MOW WO x CO,of 13 Pell St,New York,before Frahk Aeillo,Notary Public,June 4th,and attested by Clerk of Supreme Court,and visaed by D.G.HAwthorne, Deputy Collector, New York,june 8th,1897.
Certificate issued by consul general,dated June 18th,1897 and visaed by the Regional Government,Habana.

" No. 228. LAI CHONG. 25 years. merchant.

Upon affidavit of CHUNG CHU KING,managing partner of KWONG LUNG JIN x CO,of 22 Mott St,before Frank Aeillo Notary Public,June 9th,1897,and visaed by Thos J.Dunn Deputy Collector,June 10,'97.
Certificate issued by chinese consul general,date June 18, and visaed by the Reguonal Goverrment,Habana.

" No.229. FONG FOO. 38 years. merchant.

Upon affidavit of LEM LONG,of the firm of Sing Kee x Co,15 1/2 Mott St,New York,before James Callam,Notary Public, March 16,1897,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector, New York,March 17 '97.
Certificate issued by chinese consul general,dated june 18 and visaed by Regional Government,Habana.

The foregoing 7 chinese sailed on the 1st instant,by S.S. "VIGILANCIA", bound to New York.

Visa No. 218. LEE YEE. 18 years, student.

Upon affidavit of CHONG PON SING,member of firm of KIM SUN LOW and CO,or No.16 Pell St, New York,before Frank Aiello,Notary Public,May 25,1897,attested by Clerk of Supreme Court,and visaed by ThosnJ.Dunn, Deputy Collector,New York,June 2nd,1897.
Certificate issued by chinese consul General,dated June 18 and visaed by Regional Government,Habana.

" No. 219. WONG WOO. 30 years, merchant.

Upon affidavit of LEE KEE,managing partner of the KWONG MOW WO Company,13 Pell St,New York,before Mr. Frank Aiello,Notary Public,May 19th,1897,attested by Clerk of Supreme court,and visaed by Deputy Collector May20,1897.
Certificate issued by chinese consul general June 18,'97 and visaed by Regional Government,Habana.

" No. 232. LEE LAI. 35 years, merchant.

Upon affidavit of CHIN YOU,managing partner of firm WING CHUNG ON Company,22 Pell St,New York,before Frank Aiello,Notary Public,June 1st,8(7,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector, New York, June 4th,'97.
Certificate issued by chinese consul general,dated 21 June and visaed by Regional Government,Habana.

" No. 234. YOUNG CHEE, 28 years, merchant.

Upon affidavit of Chin You,managing partner of firm Wing Chung On Company,22 Pell St,New York,before Fran cisco Scobocci,Notary Public,and visaed by Thos J.Dunn

Deputy Collector, New York, June 8th, 1897.
Certificate issued by chinese consul general, date June 2o, and visaed by Regional Government, Habana.

Visa No. 235. LUNG SING. 23 years, merchant.

Upon affidavit of Lung Kai, managing partner of firm WO ON x CO, of 19 Pell St, New York, before Frank Aiello, Notary Public, June 22, 1897, attested by Clerk of Supreme Court, and visaed by Otto Stemph, Deputy Collector, New York, June 22, 1897.
Certificate issued by chinese consul general, date 20 June and visaed by Regional Government, Haban.

" No. 236. QUON QUOCK CHIN, 25 years, merchant.

Upon affidavit of Chung Pung Sing, managing partner of Kim Sung Low and Co, of 16 Pell St, New York, before Francesco Tocci, Notary Public, June 17th, 1897, and attested by Clerk of Supreme Court, New York, and visaed by D.G.Hawthorne, Deputy Collector, June 17'97.
Certificate issued by chinese consul general date June 25, and visaed by Regional Government, Habana.

" No. 237. WONG YUEN. 40 years, merchant.

Upon affidavit of YOUNG LOCK, partner of the firm of Choy Chong Woh and Co, of No 19A, Mott St, New York, before Frank Aiello, Notary Public, June 7th, 1897, and visaed by Thos J.Dunn, Deputy Collector, New York, June 8th, 1897.
Certificate issued by chinese consul general, dated 14 June and visaed by Regional Government, Habana.

" No. 240. YOUNG CHUN. 3o years, merchant.

Upon affidavit of Young Lock, member of the firm of Kwon Chin Chong and Co, of No.2 Mott St, New York, before James Callam, Notary Public, New York, June 1, and visaed by Thos J.Dunn, Deputy Cllector, New York, June 1st, 1897.
Certificate issued by chinese consul general, dated June 14 and visaed by Regional Government, Habana.

The foregoing 8 chinese will sail to-day by S.S."YUCATAN", bound to New York.

I am, Sir, your obedient servant,

Consul General.

Copy. File

No. 563.

Acknowledged
JUL 21 1897
DEPARTMENT OF STATE.

U. S. CONSULATE GENERAL.

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HABANA, July 5th, 1897.

Mr. LEE

See instruction to Spain No. July 13

TO THE

DEPARTMENT of STATE.

Relative to the case of Manuel Fernandez Chaqueilo and those of the "Competitor"prisoners.

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One enclosure.

No. 563.

U. S. CONSULATE GENERAL.

HABANA, July 5th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to previous correspondence respecting the case of the American citizen Manuel Fernandez Chaqueilo, and those of the "Competitor" prisoners, I have the honor to transmit herewith a copy-translation of a communication received to-day from the Acting Captain General on the subject.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure.

The Acting Captain General to Mr.Lee, July 4th, 1897.

Enclosure No. 1.
With Despatch No. 563
H A B A N A , July 5th, 1897.

Copy-Translation.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

The cause initiated for rebellion against the citizen of the United States Manuel Fernandez Chaqueilo, arrested with arms in hand, has been raised on the 25th June last to its plenary stage, and during this stage of the trial not only does the prosecutor commissioned for the classification of the facts and accusation intervene, but the accused has also participation, together with his advocate, in accordance with the Military Code of Justice, and the observance of the formalities provided by article 4th of the protocol of the 12th of January, 1877, has been ordered.

With respect to the cause of the "Competitor" and to the statements which the Judge of Instruction may have made, I can say nothing to you because its cognizance corresponds to the Marine jurisdiction and not to that of War.

I inform you the above in answer to your courteous communication dated yesterday.

God guard you many years. Habana, 4th July, 1897.

(Sgd) El Marques de Ahumada,

General 2nd in command and in charge.

To the Consul General of the United States.

No. 564.

Incls. H. F. Offman. Acknowledged. JUL 28 1897

U. S. CONSULATE GENERAL.

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HABANA, July 6th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Claim of Mrs. JAMES M. CHURCHILL.

Three enclosures.

June 5/97 H F Offman

No. 564.

U. S. CONSULATE GENERAL.

HABANA, July 6th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

In reply to the Department's instruction No.330, of May 7th, concerning the claim of Mrs.James M.Churchill of $426.19, for the return of the amount of duties improperly collected by custom house authorities of Cardenas in 1882, from her late husband, I beg to state that I do not find that any action was taken in the matter by this office, since the receipt, in September, 1893, of the Department's instruction No.1156, by my predecessor. I knew nothing of the matter until it was brought to my attention by Miss Harriet F.Wyman's letter of the 31st March, and the Department's instruction.

On the 22nd May, I addressed a communication to the Acting Governor General on the subject, as per copy-translation herewith, to which I received a reply dated July 5th, to the effect that the Royal Order of August 22nd, 1895, ordering the payment had been referred to the Sub-Treasury at Matanzas. Under this date I write to our Consul at Matanzas to ascertain if any further requirement is necessary for the collection of said amount, and will promptly transmit his reply.

I enclose a memorandum showing the correspondence that has taken place between the Department, this office and the authorities concerning this claim.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure No.1- Mr.Lee to Acting Governor General, May 22nd.
" 2- Marquis Ahumada to Consul General, July 5th.
" 3- Memorandum respecting correspondence in the matter of this claim.

Enclosure No.1.

With Despatch No. 564.

H A B A N A , July 6th,1897.

COPY.

U.S.CONSULATE GENERAL.

HABANA,May 22nd,1897.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

To His Excellency the Acting Governor General of this Island.

Excellency:

I have the honor to transmit herewith copy of a petition addressed to the Intendant General of Finance on the 13th of July,1887 by Mr.James M.Churchill and transmitted through this office,respecting the sum of $426.19 improperly imposed by the Customs authorities of Cardenas as export duties upon certain sugars exported in 1882,and which claim,under instructions from the Department of State,this office presented to the authorities of the General Government of this Island upon several occasions,as shown by the annexed copies of official communications to the Governor General,but without succeeding in obtaining the payment of the sum in question,although it had been ordered by the Government at Madrid.

In view of the fact that the Department of State was informed by the Chargé d'Affaires of the United States at Madrid, under date of Sept.5th,1895,that a notice had been sent to the Governor General of Cuba that the said amount should be returned,in conformity to article 28 of the Budget of 1892/93,- as shown by copy of said communication which I herewith accompany,- this action being the result of the Intendant's note to the Colonial Ministry of the 30th January,1894,I am instructed to again present the matter to the attention of Y.E. and request for an early and favorable settlement of the case.

Trusting to receive Your Excellency's early reply,I have the honor to be, etc. etc.

(Sgd) Fitzhugh Lee, Consul General.

Enclosure No. 3

With Despatch No. 564

Enclosure No. 2 —

With Despatch No. 564 —

H A B A N A , July 6th, 1897.

CASE of CLAIM of MRS. JAMES M. CHURCHILL.

Translation.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

Through the Central Section of Arrears of this Island, under date of the 2nd instant, the following is communicated to this General Government:

"Excellency: I have the honor to inform Y.E. that under this date the Royal order No. 2182, of the 22nd August, 1895, ordering the return to the widow of Mr. James M. Churchill, of the sum of 426 dollars for export duties on sugar, collected in excess by the custom house of Cardenas, on the 8th September, 1882, has been referred to the Pay Department and Sub-Treasury of Matanzas; likewise a copy of the decision on said proceedings (expediente), by which payment is ordered.

I have the honor to transmit to Y.E. the above in answer to your respectable communications of the 28th May and 16th June last".

And I have the honor to transmit to you the above in answer to your courteous communication of the 22nd May last.

God guard you many years. Habana, July 5th, 1897.

P.A. (Sgd) El Marqués de Ahumada.

To the Consul General of the United States.

Enclosure No. 3

With Despatch No. 564

Habana June 6, 1897.

CASE of CLAIM of MRS. JAMES M. CHURCHILL.

1887.July 15. To Intendente General de Hacienda.

Mr.Williams transmits petition of Mr. James M, Churchill, formerly merchant of Cardenas, now Commercial Agent, asking for return of $426.19, paid by him on 8th.September 1882, as export duties upon 92 hhds.of sugar by American Bark "Frank", the shipment of which could not be made on account of a hurricane.

" Dec. 19. Instruction No.876.

" " 18. Despatch to Department No.687.

" " 27. Despatch No.2070 - and copy Mr.Williams to the

" " 23. " " " 690.

" " 27. Governor General stating that having received

" Oct. 24. To Governor General. May 30, asks for reply.

Mr.Williams refers to the correspondence with

1894 Jan. 31. Despatch No.2114. Mr.Williams states that he

Intendente, and asks that payment of the amount called on Governor General, stating that his

be made. notes had been unanswered. H.E.made memorandum

Referring to Intendente's reply, it appears for the Secretary.

" " 27. that the order to pay was made on March 26/'83, by the Intendency General; and more recently on the 16th.July 1887, order was given to the Principal Administration of Public Finance of Matanzas.

" Feb. 14. Despatch No.2124, with copy and translation of

1888.Feb. 1. To Governor General. Governor General of 12th.in-

No answer received to communication of Oct.24th. Mr.Williams wrote again to Governor General th. urging payment, and compliance with order. aid

with debit to the special fund of Arrears, in ac-

" " 6. Despatch No.753 - and note of the Intendant

" " 4. who states in a personal note, that amount cannot

1894 June 4. be paid at present because not included in appropriations or Budget of this year, notwithstanding the orders for payment, - as reported in Nos.687 and 690 - but would be included in next year's Budget.

" " 16. Despatch No.2238, stating that he had presented personally following note to the Gov.General

" " 11. Mr.Williams to Governor General, asking for result of the note to the Colonial Minister, of

Instruction No.796.

1893 June 22. Despatch No.1898, - and sends copy of communi-

" May 30. cation of Mr.Williams to Governor General relating to case, and sending copies of:-

" " 17. (1) Official, Intendente, July 20/'87
(2) Letter " " 22/'87

" " 31. Despatch No. " to Governor General, Feb 1/'88
(4) " " Intendente, " 4/'88
(5) " of Mrs.Churchill to Sec'y. State.

This was not answered. the Intendante has been asked to reply upon the result of letter to

" Dec. 19. Instruction No.878. Colonial Ministry, of January 30th.

" " 27. Despatch No.2070 - and copy Mr.Williams to the

1895 Sept.23. Instruction No.1156.

" " 27. Governor General stating that having received no answer to note of May 30, asks for reply.

1894 Jan. 31. Despatch No.2114. Mr.Williams states that he called on Governor General, stating that his notes had been unanswered. H.E.made memorandum for the Secretary.

" " 27. The Secretary to Mr.Williams saying that Intendancy had not yet replied, - but will again be reminded.

" Feb. 14. Despatch No.2124, with copy and translation of communication from Governor General of 12th.instant; that Intendente reports that Minister of the Colonies had been asked under date of 30th. ultimo, if the amount of claim should be paid with debit to the special fund of Arrears, in accordance with provisions of Art: 28 of Budget of 1892/'93.

1894 June 4. Instruction No.943.

" " 16. Despatch No.2238, stating that he had presented personally following note to the Gov.General

" " 11. Mr.Williams to Governor General,asking for result of the note to the Colonial Minister,of 30th.of January.

" July 21. Despatch No.2282. Mr.Williams having had no reply,again addressed the Governor General on

" " 17. asking for information.

" " 31. Despatch No. 2292. Mr.Williams sends copy of Governor General's answer of July 28/'94,which is to the effect that the Intendente has been asked to reply upon the result of letter to Colonial Ministry,of January 30th.

1895 Sept.23. Instruction No.1156.

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1 Enclosure.

---o---

No. 565.

U. S. CONSULATE GENERAL.

HABANA, July 7th, 1897.

Acknowledged. JUL 20 1897 Consulate-Genl

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Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the petition and Claim of Mrs.Cornelia A.de Otazo,against the Spanish Government for the alleged killing of her husband,Enrique Otazo,a citizen of the United States.

----------o----------

1 Enclosure.

----------o----------

No. 565.

U. S. CONSULATE GENERAL.

HABANA, July 7th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

In connection with the case of the American citizen Enrique Otazo,and the claim filed by his widow,Mrs.Cornelia A. de Otazo,against the Spanish Government for the alleged killing of her husband,I enclose herewith copy-translation of a petition forwarded by the U.S.Consul at Cardenas,respecting her present circumstances and the destitute condition of herself and eight children,which would seem to entitle them to relief under the provisions of the Cuban relief fund.

I have referred her case to the U.S.Consul at Cienfuegos, as she states that she has twice addressed the Vice Consul there without obtaining an answer.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure: Copy-translation of the petition referred to.

Enclosure No. 1
With Despatch No. 565.
Habana July 7, 1897.

Copy-translation.

Town of Guayabales, Cienfuegos District,
June 22/1897.

To the
Consul General of the United States,
Habana.

Sir:-

The undersigned, Cornelia Alvarez, widow of the citizen of the United States, Enriqué A. Otazo y Diaz, of which nation the deponent, as well as her eight legitimate minor children, are citizens, respectfully states:-

That early in the morning of the 1st. November last her husband, Enrique Otazo, was stealthily taken out of her house by some Spanish guerrilla men (guerrilleros) by order of Captain Antonio Marti, at the town where they reside, which is that of Guayabales, in the municipal district of Cienfuegos, since which date (7 months and 21 days) he has not been returned to his home; for which reason, and through confidential reports coming from worthy sources, she is convinced that her husband has been murdered.

That she has established a claim before a proper Court at Washington, D.C.

Upon the death of her said husband, who was the only support of the deponent and of her eight minor children, they have sunk into the greatest destitution, having no other property than two small wooden houses situated at Guayabales, one occupied by her and the other rented in ten dollars and sixty cents; further that the latter house which they had in rent, and from the proceeds of which, together with his personal labor her husband supported the family, was taken away from them against their will, and its tenants driven away by a Lieutenant of guerrilla named Vega, who occupied it with his guerrilla force, and remains

in it at present,refusing to pay rent or any compensation whatever,on the pretext that there exists no title deed of the house. Whereas the said building was granted to her husband, Don Enrique Otazo, in payment of a debt,by the pharmacist,Don Carlos Quian,by virtue of a private document made before two witnesses, (which document has also been taken from him by a Military Judge,and attached to certain proceedings,without a receipt of same having been given to him), the deponent complained to the Military Commandant of Yaguaramas who addressed her in answer the letter which she has the honor to enclose herewith,by which you will be convinced of the evasion or excuse used by the dwellers of the house,and by the authorities to whm she has applied,to deprive her of her rights,and in order to continue occupying the house without paying rent.

Let us suppose that there had been no deed? Does not a private document issued on stamped paper and signed by the grantor,by her husband,and by two witnesses,persons of trusted honesty and probity,entitle her to her rights? I believe it does,because no third party claiming a better right has appeared. It is impossible for her husband to have a deed of the house because Mr.Quian,who granted the house to the former and who promised in the private document,referred to, to make it a public one in due season,is absent,and according to reports is at present in the insurrection. Who,then,is going to execute the deed? Undoubtedly,it is necessary to wait for Mr.Quian to execute it,for the reason that in no other way can it be done because other resources granted by the special law through which she could do it,cannot be utilized,for they would cost the deponent more money than the house is worth, taking in consideration the character of the Spanish officials and the fact that the petitioner lacks even that which is indispensable for the subsistence of herself and of her eight children.

In view of the above and counting with no other aid or protection than that of the United States Government,the deponent applies to you as the Consul General of same,in demand of justice.

In this connection, the petitioner begs you to furnish her, in view of her poverty and of her American citizenship, as well as of her eight children, some means for her subsistence, and relieve them thereby from the pangs of hunger. She does not want money, on the contrary, she wants monthly provisions and the necessary medicines and condensed milk, so as not to see her children, who are made orphans by a criminal hand, perish from hunger.

She also states that she has applied, on two different occasions, to the Vice Consul at Cienfuegos, obtaining no answer to the two communications which she has addressed him, and she now applies to you hoping to be more fortunate in her petition.

I am etc.

(signed) Cornelia Alvarez, widow of Otazo.

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Mr. Quian sold, [illegible] accounts a house, the said document has no public value whatever, it should have been executed before a Notary and the title deed and certificate of inscription in the Registry of Property, as well as the tax receipts, should have accompanied the said document, which would have entitled you to the property. As it is neither you nor Mr. Quian himself appear as owners of the house, and as this matter is subjected to an error it should be clear who is the real owner.

Regarding the document you say was delivered to the Judge, I have to say that it is attached to the proceedings and cannot be separated without a previous order from the judicial authority, for which reason I can do nothing in the matter.

Respectfully your obedient servant,

(signed) illegible.

FILE

Enclosure No. 2
No.5 6 6.
With Despatch No. 565
Habana July 7, 1897.

Copy-trnaslation.

U.S. CONSULATE GENERAL.
HABANA, July 7, 1897.

Batallion "Cazadores de Barcelona, number 3,

Chief Representative.

Yaguaramas, June 11th.1897.

Mr. LEE

Mrs.Cornelia Alvarez,

TO THE

Guayabales.

Madam:-

DEPARTMENT of STATE.

In answer to your letter I have to say that I spoke to Mr.Menendo,Mayor of that place (Guayabales) respecting the house occupied by the Lieutenant Vega and guerrilla,and he tells me, (and I understand his reasons) that you do not legally appear as proprietor of the house because,although it is true that you exhibited a document in which it appears that Mr.Quian sold, as balance of accounts a house,the said document has no public value whatever,it should have been executed before a Notary and the title deed and certificate of inscription in the Registry of Property,as well as the tax receipts,should have accompanied the said document,which would have entitled you to the property. As it is neither you nor Mr.Quian himself appear as owners of the house,and as this matter is subjected to an error it should be clear who is the real owner.

Regarding the document you say was delivered to the Judge, I have to say that it is attached to the proceedings and cannot be separated without a previous order from the judicial authority,for which reason I cando nothing in the matter.

Respectfully your obedient servaht,

(signed) illegible.

FILE

No. 5 6 6.

U. S. CONSULATE GENERAL.

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HABANA, July 7.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Referring to the estate "La Confianza".

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See letter June 30, 1897.
from J. S. Rodriguez

No. 5 6 6.

U. S. CONSULATE GENERAL.

HABANA, July 7.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the telegram of the Honorable Secretary of State dated 30th.June,relative to the estate "La Confianza", situated in Vieja Bermeja,and belonging to Parres,I have to state that I telegraphed to our Consul at Matanzas for particulars respecting the condition of said plantation.

Mr.Brice replies,under date of 5th.instant,that he as yet is unable to report concerning the estate,although the Civil Governor had promised the desired information.

Upon receiving the particulars referred to,if in accordance with the facts stated in the Secretary's telegram,I shall protest as instructed therein.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Copy.

No. 567.

Acknowledged. JUL 14 1897 Copy to Navy Consul

U. S. CONSULATE GENERAL.

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HABANA, July 7th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Ref. to Consul Key West

Special

Relative to a cutting affray that occurred on board the American schooner GRACE ANDREWS, of Thomaston, Me., on the evening of the 3rd instant.

One Enclosure.

No. 567/

U. S. CONSULATE GENERAL.

HABANA, July 7th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to transmit herewith certified copies of the proceedings taken by me in investigation of a cutting affray that occurred on board the American schooner GRACE ANDREWS,of Thomaston,Me.,on the evening of the 3rd instant between the second mate,Charles Myers,and the steward,William Welch,wherein the latter received several wounds.

I have put the second mate in custody of the master of said vessel,which clears for Apalachicola,Fla.,via Tortugas,with instructions to deliver him to the U.S.District Attorney or proper authority at that port.

I also transmit a certified copy of the same proceedings to the said authority.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure:Proceedings referred to.

Enclosure No./

With Despatch No.567.

Habana july 7th.1897.

P R O C E E D I N G S,

IN INVESTIGATION OF A CUTTING AFFRAY ON BOARD AMERICANSCHR.

G R A C E A N D R E W S.

OF THOMASTON,Me.?ON JULY 3RD/1897 BETWEEN CHARLES MEYERS?SECOND MATE? AND WILLIAM WELCH,STEWARD/

E N C L O S U R E S.

No.1. Judge of Instruction Lopez Saul to Consul General Lee, July3.

" 2. Certificate of Dr.Vasquez,of the Relief Station.

" 3. Certificate of Dr.Wm.J.Brunner,U.S.Sanitary Inspector.

" 4. Declaration of Captain G.F.Brown.

" 5. " William Welch,steward.

" 6. " Frank H.Reed,mate.

" 7. " Charles Meyers,second mate.

" 8. "

Consul General's certificate.

----------o----------

No 1.

TRANSLATION.

MILITARY COMMANDANCY of MARINE of the PROVINCE of HABANA/
MILITARY COURT.

I have the honor to inform you that to-night William Welch,of the crew of the American schooner "Grace Andrews" lying in this port,has presented himself at this Captaincy seriously wounded,and states that he has been wounded by the second mate of the said vessel named Mr.Myers; that he has been taken to the relief station of the first district of this city where his wounds have been attended to,and that he has not been sent to the Hospital because the physician who is curing him states that if such is done his life would be in danger. I inform you of the above because as the offence has been committed by American citizens on board an American vessel I consider that the cognizance of the matter pertains to you.

I take pleasure in further stating that this Court is willing to aid you in any way it may be necessary.

I am, etc. Habana,3 July,1897.

(sgd) Fernando Lopez Saul,
Judge of Instruction.

To the Consul General of the United States.

----------o---------

No 2

2.

To the Consul general of the United States

Habana.

Sir:

In view of the instruction of the Judge of Marine of this port,dated the 3rd instant,I beg to report that the citizen of the United States,William Welch,steward of the vessel "Grace Andrews",lying in this port,and who,as the physician of the relief station of the first district,I cured the serious wounds he had when he presented himself at the station,has been,at his request,removed to the said vessel.

I inform you of the above for the proper effects.

I am, etc. Habana,4th July,1897.

(Sgd) Dr.Facundo Vazquez.

No 3.

Office of Medical Officer in Command,
Marine-Hospital Service,

Havana, Cuba
July 5th 1897.

Gen. Fitz Hugh Lee.
Consul General U.S.A.
Havana - Cuba.

Sir.

I have examined William Wilch Stewart of the American Schooner Grace Andrews and I find that he has three incised wounds of the face and one stab wound of upper part of abdomen, the latter being a dangerous one, requiring medical observation.

Not being an immune to Yellow Fever he cannot be sent to the Marine Hospital at Key-West.

Very respectfully
W.L. Brunner
Sanitary Inspector.
U.S.M.H.S.

CREWES

No 4.

3.

U.S.CONSULATE GENERAL.

HABANA,CUBA.

On this fifth day of July,1897,before me,the undersigned Consul General of the United States of America at Habana,personally appeared Mr.George F.Brown,master of the American schr. "Grace Andrews",who being duly sworn did declare and depose as follows:

That on the 3rd day of July,1897,at about 6.30 p.m.,while on deck,he heard a noise of a disturbance in the cabin below, and that together with the mate he went down to the cabin and found the steward cut in the face by the second mate,according to the latter's own confession; that the deponent then sent the mate ashore with the wounded steward,where the latter received medical attendance,the deponent remaining meanwhile on board with the second mate.

(Sgd) G.F.Brown.

Sworn to and subscribed before me,the day and year first above written.

(Sgd) Fitzhugh Lee,

Consul General.

No 5.

U.S.CONSULATE GENERAL at HABANA.

On this 5th day of July,1897,before me,the undersigned Consul General of the United States at Havana,personally came and appeared William Welch,of Machias,Me.,38 years of age, married,steward of the American schooner "Grace Andrews",of Thomaston,Me.,who being duly sworn did declare and depose as follows:

That on the 3rd July,1897,at about 6.30 p.m.,while standing in the pantry door in the forward cabin,and the 2nd mate was taking supper,some conversation began with the second mate, who finished his supper and went into his room,the argument continued and he made some remarks to the second mate about the handling of the cargo on board,which the 2nd mate seemed to resent,and then rushed out of his room,and attacked the deponent, cutting him with some sharp cutting instrument in the head, face,left shoulder,right arm and abdomen. That he struggled with him and called for assistance,and that the captain and 1st mate appeared and took charge of the deponent,and endeavored to stanch the flow of blood. That then he was brought ashore to the relief station and his wounds cured. He stayed over night at the station and was returned on board Sunday,the 4th, at about 11 a.m.

That he had not been drinking to any great extent,but had had some drink. The 2nd mate had been working all day in cargo, and this appearer did not think he was drunk. That he had had no trouble with him before,and in fact had had little intercourse with him during the voyage.

(Sgd) William Welch.

Sworn to and subscribed before me this 5th July,1897.

(Sgd) Fitzhugh Lee,
Consul General.

No 6.

5.

U.S.CONSULATE GENERAL at HABANA.

On this 6th July,1897,before me,the undersigned Consul General of the United States at Havana,personally came and appeared Frank H.Reed,of Sydney,Me.,married,37 years of age, mate of the American schooner "Grace Andrews",of Thomaston,Me., who being duly sworn did declare and depose as follows:

That on the 3rd July,1897,at about 6.30 p.m.,while on deck with the captain of the schooner,he heard noise of a disturbance in the cabin below,and that together with the captain he went down to the cabin and found the steward cut in the face by the 2nd mate,according to the latter's own confession; that the deponent asked the 2nd mate what had happened,to which the latter answered that the steward had run against him hitting against a marlin spike,but finally admitted that he had cut him and that the steward had struck him first. That he,the deponent,believes that the steward was intoxicated at the time,that as far as he knows there had been no previous trouble between them; that he searched the 2nd mate and found no knife or any other arms with him; that he saw the steward was bleeding profusely and by order of the captain he took him ashore where his wounds were attended to at a relief station,remaining there over night and appearing the next day,Sunday,July 4th,at about 11 a.m.,on board accompanied by the physician who dressed his wounds at the relief station aforesaid. That the deponent knows nothing further.

(Sgd) Frank H.Reed.

Sworn to and subscribed before me this 6th July,1897.

(Sgd) Fitzhugh Lee,

Consul General.

No 7.

6.

U.S.CONSULATE GENERAL.

HABANA,CUBA.

On this 6th day of July,1897,before me,the undersigned Consul General of the United States at Havana,personally came and appeared Charles Myers,of Philadelphia,Pa.,54 years of age, married,2nd mate on board the American schooner "Grace Andrews" of Thomaston,Me.,who being duly sworn did declare and depose as follows:

That on the 3rd July,1897,at about 6.30 p.m.,he was finishing his supper in the cabin,when the steward made his appearance apparently under the influence of liquor,coming from the pantry,that one of the men came and asked the steward for beef,to which the steward answered roughly that he had to take what was given to him only,the sailor then departed,and the steward came up to the deponent and rebuked him for not taking his side and allowing the men to ask him for beef; to which the deponent remarked "that he had nothing to do with the food given to the men,that it was the captain's business and not his to attend to that";that then the steward insulted him,and that notwithstanding the deponent begged him to leave him alone,that he did not want to get into any trouble,the steward struck him with his clenched fist in the right temple and in the mouth, that the blow stunned him and that when he recovered he (the deponent) caught the first thing near him,which happened to be a marlin spike and cut the steward several times on different parts of the body,not being able to exactly state the number of times or the parts of the steward's body which he wounded because at the time he was out of his head and did not know what he was doing,that the marlin spike was left in the cabin;that the steward was taken away ashore,and that the deponent remained on deck with the captain. That never before had

there been any trouble between the deponent and the wounded man, and that he cannot account for the action of the steward which has caused all this trouble. That the steward went back on board with his wounds dressed on the next day, July 4th, nothing further occurring.

(Sgd) Charles Myers.

Sworn to and subscribed before me, this 6th July, 1897.

(Sgd) Fitzhugh Lee,

Consul General.

U.S.CONSULATE GENERAL.

HABANA, July 7th, 1897.

Captain G.F.Brown,

Schr.GRACE ANDREWS",

In Port.

Sir:

I have put into your custody the second mate of your vessel,Mr. Charles Myers,and instruct you to deliver him to the U.S.District Attorney,or proper authority,at Apalachicola,Fla., upon your arrival at that port. He is charged with the offense of having cut and wounded the steward of your ship,William Welch,on the 3rd instant.

I also entrust you with a package containing a certified copy of the proceedings taken before me,in investigation of this case,which you will also please deliver to the U.S.District Attorney at Apalachicola.

I am,Sir,your obedient servant,

(Sgd) Fitzhugh Lee,

Consul General.

U.S.CONSULATE GENERAL.

HABANA, July 7th, 1897.

To the United States District Attorney (or proper authority)

Apalachicola, Fla.

Sir:

I transmit to you in charge of Mr. G. F Brown, master of the American schr. "GRACE ANDREWS", of Thomaston, Me., clearing to-day for your port, via Tortugas, a package addressed to you, containing a certified copy of the proceedings taken before me, in investigation of a cutting affray that occurred on board said vessel on the evening of the 3rd instant, between the second mate, Charles Myers, and the steward, William Welch, wherein the latter received several wounds.

I have put the second mate in custody of Captain Brown with instructions to deliver him to your authority on arrival.

I am, Sir, your obedient servant,

(Sgd) Fitzhugh Lee,

Consul General.

U.S.CONSULATE GENERAL.

HABANA, July 7th, 1897.

I, the undersigned U.S.Consul General at Habana, do hereby certify that the foregoing papers, are true and faithful copies of the original proceedings taken before me, in investigation of a cutting affray that occurred on board the American schr. "GRACE ANDREWS", on July 3rd, between Charles Myers, second mate, and William Welch, steward, wherein the latter received several wounds. The said papers have been carefully compared with the originals on file in this office and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and seal of office this 7th day of July, 1897.

Consul General.

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, July, 7th. 1897.

Personal.

Hon.Wm:R.Day,

Asst.Sec.State,

Washington,D.C.

My Dear Sir:

I enclose you a private note just received from the Consul at Matanzas, Cascoria referred to in said note, is the bleak hill sides on the edge of Matanzas where thousands and thousands of these poor "Pacificos" are now famishing. In this connection I desire to utter the following trueisms:-

1st. There are no signs of peace between those now at war on this Island.

2nd. The war - as conducted on both sides - is inhuman, brutal and not in accord with the existing customs of civilized nations anywhere.

3rd. Innocent women and children are being murdered by both contes-tants, and are starving to death over the length and breadth of this Island.

4th. American commerce is destroyed. American life is insecure. American property is demolished.

5th. The Spaniards hate the Cubans and the Cubans hate the Spaniards

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, 1897.

Hon.Wm:R.Day.

and no harmony between the races will ever in the future exist.

6th. The Island is too far from Spain for close commercial relations, without which no beneficial results to Spain can ensue.

7th. There is absolutely no future for this extraordinary, fertile Island under the Spanish flag and Spanish methods.

8th. The situation grows worse, and can never be better, and the blessings of peace and prosperity in the time to come, will in my humble opinion be promoted, by relinquishing further efforts to postpone an unavoidable conflict, or using every means to secure peace, if that is possible.

I have the honor to be,

Very respectfully and truly yours,

Fitzhugh Lee

(Copy)

My Dear General:

A raid of concentrados was made on this Consulate this morning for food. Some meddling fool went to Cascaria yesterday and gave them the word that the American Consul would give them food, etc., as a 4th of July gift.

We dismissed them with as good grace as possible. Would to God I could have helped the miserable, starving wretches. Retribution, deep and fearful, is in store for the author of reconcentration order now in force.

Yours truly,

A. C. Brice,

U.S.Consul.

My Dear Sir

A raid of encantados was made on this Consulate this morning for food. Some wedding food went to Cascorian yesterday and I gave them the word that the American Consul would give them food etc. as a 4th of July gift —

We dismissed them with as good grace as possible — Would to God I could have lodged the miserable starving wretches. Retribution deep & fearful is in store for the author of reconcentrados order now in force.

Yours Truly

A. C. Bice
U.S. Consul

FILE

No. 568.

U. S. CONSULATE GENERAL.

HABANA, July 8th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of instruction NO.391, of 1st July.

No. 568.

U. S. CONSULATE GENERAL.

HABANA, July 8th, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your instruction number 391, of 1st July, with its enclosure, for my confidential information.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

569

No. 550.

U. S. CONSULATE GENERAL.

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HABANA, July 8th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Release and departure from the Island of Agustin Clemente Betancourt, an American citizen; and reference to the cases of the six "Competitor" prisoners; Frank Agramonte and Thomas Julio Sainz, American citizens confined in Santiago de Cuba; Manuel Fernandez Chaqueilo; and Louis Someillan.

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No. 569.

U. S. CONSULATE GENERAL.

HABANA, July 8th, 1897.

Honorable William R. Day,

Assistant secretary of State,

Washington, D.C.

Sir:

I have the honor to state that the American citizen Agustin Clemente Betancourt, who was released on condition that he should leave the Island, did so on the 7th instant.

In this connection I desire to state that of the 74 American prisoners, which appeared on the list transmitted to the Senate, (in accordance with the resolution of December 21st, 1896) by the President in a Message, dated 25th January, 1897, all have been released, with the exception of Frank Agramonte and Thomas Julio Sainz, who are at present confined in Santiago de Cuba, on the charge of rebellion; the 6 "Competitor" prisoners; and Manuel Fernandez Chaqueilo; and Louis Someillan.

I have more than once called the attention of the Department to Someillan's case. He (is 58 years old) was arrested one year ago, charged with aiding the rebellion; 6 months afterwards he was tried and sentenced to imprisonment, with chain, for life; an appeal was taken, and although six months have elapsed since, no information has been received about said appeal. I respectfully refer you to my despatches Nos. 51, 186, 298, 303, 311, 329 and 333, dated, respectively, July 15th and October 20th, 1896, and the 14th, 15th, 19th, 30th January, and 3rd February, 1897.

I think his case should appeal strongly to the Department for the reasons given in the despatches alluded to.

I am, Sir, your obedient servant,

Consul General.

Copy. 570

No. 570.

Acknowledged. JUL 21 1897

U. S. CONSULATE GENERAL.

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HABANA, July 8th, 1897.

Forwarded Aug 2

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of MANUEL FERNANDEZ CHAQUEILO.

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No. 570.

U. S. CONSULATE GENERAL.

HABANA, July 8th, 1897.

Honorable William R.Day

Assistant Secretary of State,

Washington,D.C.

Sir:

Referring to my despatch No.563,of the 5th instant,I have the honor to inquire if in case the American citizen Manuel Fernandez Chaqueilo is brought to trial,will I be authorized to employ counsel for his defense.

I am,Sir,your obedient servant.

Fitzhugh Lee

Consul General.

Consr.

TELEGRAM RECEIVED. FILE

DEPT. OF STATE
JUL 10, 4.05 PM 1897
CHF. CLKS. OFFICE
RECEIVED

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From Havana

July 10, 1897.

Received 3.36 P M.

Assistant Secy of State
Washington

VC

See Despatch Dw 525 June tenth. Dalton regarded in the same light other "Competitor" prisoners. See nothing in future except long confinement. Another trial, if ever held, result same sentence which will never be executed.

Lee

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Copy.

No. 571.

U. S. CONSULATE GENERAL.

HABANA, July 10th, 1897.

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Acknowledged. AUG 13 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to a protest of Mr. Albert Broch, an American citizen, and a sugar planter, against the appraisement made by the Matanzas custom house upon certain merchandise imported for him during the existence of the reciprocity agreement.

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One Enclosure.

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No. 571.

U. S. CONSULATE GENERAL.

HABANA, July 10th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to my despatch No.552, of the 30th ultimo, in which I transmitted copy of the protest of Mr. Albert Broch, an American citizen, and a sugar planter, against the appraisement made by the Matanzas custom house upon certain merchandise imported for him during the existence of the reciprocity agreement, and which he claims was contrary to the same, I now transmit translation of the communication received from the Intendant General of Finance, dated the 7th instant, in reply to mine of June 30th, in which the Intendant refuses to consider said protest.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: The Intendant General to Mr. Lee, July 7th.

Enclosure No. 1

With Despatch No. 571.

H A V A N A ,July 10th,1897.

Copy-Translation.

INTENDANCY GENERAL OF FINANCE of the ISLAND of CUBA.

In answer to your courteous communication of the 30th ultimo,accompanying copy of the protest of Mr.Alberto Broch against the appraisement made by the custom house of Matanzas on certain iron tiles and other pieces of the same metal, imported by Norwegian steamer "Kitty" on the 8th October,1892, and consigned to Messrs.Bea,Bellido and Co.,merchants of siad city,I have the honor to enclose copies of the resàlutions and the grounds upon which the said appraisement was based, and which were communicated to the Matanzas custom house on the 30th July,1894,and 26th April,1895; and I have also to inform you that the term of 90 days which the parties concerned had for the purpose of applying to the Local Court of Claims(Tribunal Local Contencioso)),as they should have done when the last decision of the 26th April,1895,was communicated to them, has already expired in excess,and that,therefore,it is not possible to take in consideration the protest enclosed in your communication of the 30th ultimo.

God guard you many years. Habana,7th July,1897.

(Sgd) Emilio Fagoaga.

To the Consul General of the United States at Havana.

INTENDANCY GENERAL OF FINANCE of the ISLAND OF CUBA.

To the Collector of Customs at Matanzas:- On the 30th July,1894. - In the proceedings initiated by Messrs.Bea,Bellido and Co., against the appraisement on certain iron tiles, which they declared under entry No.789 and imported in said port by Norwegian steamer "Kitty" on the 8th October,1892, having considered the grounds upon which was based the appraisement of the tiles referred to,as of English origin. Considering that at the time they were entered, the proper certificate of origin was not exhibited,and considering that the proper protest was not made at the time,but, on the contrary, the merchandise was withdrawn without leaving a sample of same,His Excellency the Intendant General has been pleased to order that the said appraisement be confirmed.- I inform you of the above for your knowledge and corresponding effects. - God etc.

A true copy,

(sgd) Orellana.

INTENDANCY GENERAL OF FINANCE of the ISLAND OF CUBA.

Memorandum.- To the Collector of Customs at Matanzas.- On the 26th April,1895.- In view of the petition addressed to His Excellency the Intendant General on the 16th August last by Messrs.Bea,Bellido & Co.,of said city,requesting the revocation of the decision of the 30th July,1894,which confirmed the appraisement of certain iron tiles declared under entry No. 796,imported by Norwegian steamer "Kitty",which arrived in said port on the 8th August,1892,the said superior authority considering that the other data furnished by said custom house agree with the data appearing in the official documents, the originals of which have been attached to the proceedings, and which are returned to you; Considering that the said firm did not prove the veracity of the allegations contained in the said petition,against the officials who intervened in the entry of said merchandise.- Considering,therefore,that such accusations lack force and legal efficacy,because it is not possible that the custom house should base its decisions on the affirmations exptaased in said petition by the parties concerned,no matter how respectable they may be.- and Considering that becasue of the respectability of the firm of Messrs. Bea,Bellido & Co.,they could not have attributed charges and accusations to public officials whithout sufficient ground for doing so,and that the fact that the officials who intervened in the entry of the merchandise,declaring part of them as free of duties,and part of them as subject to the payment of same, shows the truth and veracity of the statements referred to, and of the reports of the appraisers and of the Auditor of said custom house,all of which prove the facts as they have happened in connection with the entry No.796 referred to. In view of these considerations,His Excellency resolves not to modify his previous decision of the 30th July last and orders

that the claimants be notified that with thés decision the gubernative channel is closed to them, and that they can apply to the ordinary Courts, if they should deem it convenient.

I communicate to you the above, returning you hereby the documents referred to, for your knowledge and proper effects. God&.&

A true copy. Habana, 7th July, 1897.

The Assistant Intendant

P.S.(Sgd) R.de Orellana.

Ask. for form + Copy to Dues. 7/17.

No.5 7 2.

U. S. CONSULATE GENERAL.

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HABANA, July 10th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Visas to Chinese certificates.

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No. 572.

U. S. CONSULATE GENERAL.

HABANA, July 10th.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In accordance with paragraph 373 of Consular Regulations, and with reference to Instruction No.384,of June 25th, I have the honor to inform the Department that the following certificates issued to Chinese subjects,one actor,two students,and merchants of the exempt class,have been visaed at this office to entitle them to admission into the United States,upon the following evidence respecting each visa:-

Visa No.221. QUOCK NING. 34 years. merchant.

Upon affidavit of Chin You,managing partner of the firm of Wing Chung On and Co.,22 Pell St.New York: before Frank Aiello,Notary Public,June 8,1897, and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,June 18,and visaed by Regional Government,Habana.

Visa No.222. LEE KIM SON. 28 years. merchant.

Upon affidavit of Chin You,managing partner of Wing Chung On and Co. 22 Pell St.New York;Francisco Vocci, Notary Public,June 3; and visaed by Thos.J.Dunn, Deputy Collector of Customs.
Certificate issued by Chinese Consul General June 18,and visaed by Regional Government,Habana.

Visa No.231. CHUNG KAI. 35 years. merchant.

Upon affidavit of Chung Hong,managing partner of Kwong Ling Jin and Co.22 Mott St.New York,before Frank Aiello,Notary Public,June 15; attested by Clerk of Supreme Court,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General June 21,and visaed by Regional Government,Habana.

Visa No.233. DO LUM. 30 years. merchant.

Upon affidavit of Chin You,managing partner of Wing Chung On and Co.22 Pell St.New York,before Francisco Vocci,Notary Public,June 3; and visaed by D.G.Hawthorne Deputy Collector.
Certificate issued by Chinese Consul General June 21,and visaed by Regional Government,Habana.

Visa No.238. LUM BOK KAE. 24 years. merchant.

Upon affidavit of Chu Jung,manager of San Lang Co. 60 West 125th.St.New York,beforeJ.A.Gardiner,Notary Public,visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,June 14,and visaed by Regional Government,Habana.

Visa No.239. LING MO. 31 years. actor.

Upon affidavit of Lee Quay, of Quong Lun Wah and Co.32 Mott St.New York; July 6,and visaed by Thos J.Dunn, Deputy Collector: Before Samuel Newmark,Notary Public.
Certificate issued by Chinese Consul General June 21,and visaed by Regional Government,Habana.

Visa No.241. LUM TACK HING. 42 years. merchant.

Upon affidavit of Young Lock,managing partner of Kwong Chin Chong and Co.2 Mott St.New York,before Frank Aiello,Notary Public,June 9,1897,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General June 18,and visaed by Regional Government,Habana.

Visa No.242. CHOUNG FORE HING,25 years. merchant.

Upon affidavit of Ing Ging,merchant and member of the firm of Yee, Hing Lung and Co.68 Bayard St.New York,before J.B.B.Fiske,Notary Public,New York,June 10.1897,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.243. LEY CAN, 39 years. merchant.

Upon affidavit of Charlie Tang,member of the firm of Tang Tai Co.of 501 Washington St.Newark,N.J.before Prosper R.Ferrari,Notary Public,attested by Clerk of Supreme Court,and visaed by S.H.Bowman,Deputy Collector,Newark.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.244. LUI GIT. 30 years. merchant.

Upon affidavit of Ah Foon,member of firm of Quong On Co.11 Pell St.New York,before James A.Douglas,Notary Public May 21.1897,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.245. WONG KING. 24 years. merchant.

Upon affidavit of Lee Guy Chun,managing partner of Guy On Long and Co.43 Mott St.New York,before Jacob Finkelstein,Notary Public May 17,1897,attested by the Clerk of Supreme Court,and visaed by Thos.J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.246. LEE NING. 28 years. merchant.

Upon affidavit of Lee Youy Ling,managing partner of the firm of Wing Wo Hing & Co.36 Pell St.New York,before Jacob Finkelstein,Notary Public,attested by the Clerk of Supreme Court,and visaed by Thos.J.Dunn, Deputy Collector.
Certificate etc.

Visa No.247. LEE SAM. 24 years. merchant.

Upon affidavit of Lee Foi,managing partner of Wing Hing Lung & Co.5 Mott St.New York: before Frank Aiello,Notary Public,and visaed by Thos.J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by Regional,Government,Habana.

Vasa No.248. LEE SANG. 25 years. merchant.

Upon affidavit of Lee Foi,managing partner of Wing Hing Lung and Co.5 Mott St.New York,before Frank Aiello,Notary Public,May 12/'97,and visaed by Thos J. Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.249. LOI FOR LANG. 25 years. merchant.

Upon affidavit of Ling Lun,managing partner of Yee Hing Lung and Co.68 Bayard St.New York: before Frank Aiello,Notary Public May 25/'97,and visaed by Thos. J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government.

Visa No.251. FUNG BAC HONG. 24 years. merchant.

Upon affidavit of Lee Yick Yew,manager and partner of Wing Woh Chong and Co.34 Pell St.New York: before Walter E.Bird,Notary Public June 10/'97,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.252. CHU LEN. 24 years. merchant.

Upon affidavit of C.S.John,manager of firm of Hang Lum Chun and Co.4 Doyers St.New York,before Geo.J. Chetwood,Notary Public,New York,June 16/'97,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.253. LOI AH SUN. 20 years. student.

Upon affidavit of Ling Lun,managing partner of Yee Hing Lung and Co.68 Bayard St.New York,before Frank Aiello,Notary Public,N.Y.May 25/'97,amd visaed by Thos J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.254. PANG SIM WING. 28 years. merchant.

Upon affidavit of Sam Wey,of the firm of Wah Yuen X Co.26 Mott St.New York,before Julius M.Adler,Notary Public June 13/'97,and visaed by Thos.J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.255.

see next page.

Visa No.255. CHUNG MEE YUI. 46 years. merchant.

Upon affidavit of Chung Hong,managing partner of Kwong Lung Jin Co.22 Mott St.New York,before Frank Aiello,Notary Public June 10/'97,attested by clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.256. CHUNG KAI NING. 18 years. student.

Upon affidavit of Chung Hong,managing partner of KWONG Lung Jing and Co.22 Mott St.New York,before Frank Aiello,Notary Public June 10/'97,attested by clerk of the Supreme Court,and visaed by D.G. Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.257. TAO MOW. 26 years merchant.

Upon affidavit of Choy Chong,member and partner of Wing Wo Hing and Co.36 Pell St.New York,before Walter E/Bird,Notary Public,New YorkJune 17/'97, and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.258. CHEY KUM. 34 years. merchant.

Upon affidavit of Chin You,managing partner of Wing Cgung On Company,22 Pell St.New York,before Francisco Vocci,Notary Public,N.Y.and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.259. CHOY SUN. 26 years. merchant.

Upon affidavit of Shung Chu King,managing partner of Kwong Lung Jin and Co.22 Mott St.New York,before Francisco Vocci,Notary Public June 17/'97,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.260. FUNG AH ONG. 23 years. student.

Upon certificate issued by Chinese Consul General, December 28/'96,and visaed by the Regional Government,July 6/'97.

The above named 25 Chinese sailed on the 8th.instant by SS."Yumuri" bound to New York.

I am,Sir,

Your obedient servant,

Consul General.

Copy.

FILE

No. 5 7 3.

U. S. CONSULATE GENERAL.

HABANA, July 10th. 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

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No5 7 3.

U. S. CONSULATE GENERAL.

HABANA, July 10th.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your telegram of this date,reading:-

Washington,July 10.1897.

Lee,Consul General,Habana.

Report at once present status of Ona Melton. What progress made? (signed) Day.

To which I replied as follows:-

Habana,July 10.1897.

Assistant Secretary State,Washington.

See despatch No.525,June 10th. Melton regarded in same light other "Competitor" prisoners. See nothing in future except long confinement. Another trial,if ever held,result same sentence, which will never be executed.

(signed) Lee

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

No. 5 7 4.

Acknowledged.
Jbm
AUG 4 1897

U. S. CONSULATE GENERAL.

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HABANA, July 14.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Unroofing of the house of Mr.Justo Gener.

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One enclosure.

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No. 5 7 4.

U. S. CONSULATE GENERAL.

HABANA, July 14.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

Referring to my despatch No.510 of 2nd.June,and the Department's instructions of the 16th.June ,respecting the unroofing of the house belonging to an American citizen, Mr.Justo Gener,situated on his estate near Matanzas,I have now the honor to enclose a copy of a report received from our Consul at Matanzas on the subject.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Mr.Brice to Mr.Lee,July 10.1897.

Enclosure No. 1

With Despatch No. 574

Habana July 14, 1897.

Copy.

Consulate of the United States of America,

Matanzas July 10th.1897.

Fitzhugh Lee, Esquire,

Consul General of the United States,

Habana.

Sir:-

I have the honor to reply to your communication of July 6th. (enclosing copy of letter from John Guiteras to Department of State) asking for facts regarding unroofing house of Justo Gener.

About May 9th. Mr. Gener came personally to this Consulate and informed me that he had received orders to unroof his dwelling house near Benavides, 9 miles from this city, and if not complied with in 3 days, the house would be burned. This order came from the Commander of Spanish forces in that district. As I understood this is a general order. All buildings outside of military lines shall be made untenantable. Several American citizens here received same order and complied with it. Spanish military Authorities insist this is a war measure and must be complied with.

I at first advised Mr. Gener to comply with the order as others had done. He informed me he had no means to pay for doing the work. I then asked him to file a statement (written) of the facts, and I would at once protest to the civil Governor. This he would not do. Said it would get him into trouble, was afraid of arrest or being ordered out of the Island. There was little or no danger on this score, and had he allowed me to protest I feel sure this trouble would have been averted.

As to interview between Mr. Gener and General Molina, I have no personal knowledge, only that Doctor Cartya became alarmed and left very suddenly. I had an interview with the other

nephew (Mr.Michelena) yesterday evening. The letter of Don Guiteras was read to him,and he informs me the facts stated therein - relating to interview with General Molina - are substantially true.

Mr.Gener was one of the first American citizens arrested in this province (May 6th.1895) and he and family were obliged to abandon their house about 8 months ago,are now living in ~~this~~ this city.

Mr.Gener is an aged gentleman,and his mind very-much impared. The loss to him in property damaged and destroyed is quite large.

I am,Sir,

Your obedient servant,

(signed) A. C. Brice.

U.S.Consul.

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UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, July, 14th. 1897.

Personal.

Hon.Wm:R.Day,

Asst.Sec.State,

Washington,D.C.

My Dear Judge:

I begin my communication in this way, because in a very nice note I received from you, you commenced yours with "My Dear General."

A wealthy and intelligent German Banker who has just returned from Spain, where he spent several weeks, tells me that wherever he went that he found the peasants and people of Spain all anxious for their Goverment to let go its hold on Cuba, and that it was the result of a very large number of conscripts which had been taken from every section of Spain and sent here as soldiers, one half of whom never returned, on account of climatic causes. Indeed one of the most pitiable conditions existing here, is the fact that so many of these young men of Spain are transported to this Island for soldiers, without drill, without discip--line and un-acclimated, a thin blue uniform is put on their bodies, a straw hat on their heads, a gun in their hands and they are sent out in the interior to get alternately wet and dry and die of fever, One half of them will never get back to Spain.

There is not much going on here from a war like stand point, the Spanish soldiers do not go after the Insurgents, except in very rare instances and the Insurgents do not go after the Spanish troops. Two or three days ago however, some Spanish organizations were massed at Pinar del Rio city and sent out against the Insurgents, concentrated

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, 1897.

Hon.Wm:R.Day,

Personal.

on a line of hills two miles from that town, but after fighting two days they returned to Pinar del Rio city without dislodging the Insurgents. Yesterday I heard that the Insurgents had invested and captured the city of Managua, about eight miles from Habana.

In order to give you some idea of the "Humbug" which every where surrounds the military situation here, I call your attention to the last proclamation of Weylers. After his arrival recently from Santiago de Cuba to Santa Clara Province he published a Proclamation stating, that all Insurgents who would surrender would be pardoned, provisions would be issued to them, and that they would be given employment on the public works, all of which, of course, could not be carried out, because in the first place, the Spanish authorities have no provisions for them, having great difficulty to feed their own troops, and in the second place, no considerable body of Insurgents will surrender to General Weyler under any circumstance, and in the third place, there are no public works in operation and no money to pay any one for working on them, if these public works were real and not imaginary.

Let me give you another example:- About 8 miles west of Habana on the ocean is what is called the Club house of the Habana Yacht Club, I go there frequently for the change, the place being connected with the city by R. R. through the little town of Marianao. Two nights ago a milkman who lives just outside of the Spanish lines, and who came into the Club house on business, stated that the night before, the Insurgents were in considerable force out at his establishment, that at

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, 1897.

Hon.Wm:R.Day,

Personal.

about IO o'clock they commenced calling upon the Spanish troops to come out of their lines and fight them, that some of the soldiers reported it to their commanding Officer, but he said he was sick and had been for some time and could not go out and that he did not intend to send any soldiers out either, because over half of them were sick also. The Spanish lines out there start on the ocean on one side of the adjoining little village and run around it to the ocean on the other, in the shape of a half moon, about every IOO yards they have a small circular structure which they call a"fort", they hold about 8men inside and have a small lookout tower or sentinels box on top, where one man is always kept on guard, night and day, every half hour during the night one of these sentinels at one end of the line sings out "A-l-e-r-t-a" then the next man takes it up and the next and so on around the semi circle. This action on their part seems to serve a double purpose, it keeps those of us awake who some times sleep out at the club house, and then it tells the Insurgents who are just out side, exactly where they are located.

Everything points to a break up of the present conditions here in 60 days. Private letters from different parts of the Island tell me of the great dissatisfaction of the poor Spanish soldier, who gets no pay, whose rations have become scanty and whose comrades fall at his side from pestilential fevers. This condemnation is beginning to take organ-ized shape, and to-day I hear on the streets, that a riot is very possi-ble here on the part of the soldiers, for bread and money. The Insurge-nt forces are increasing in numbers in the Western Provinces lately,

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, 1897.

Hon.Wm:R.Day,

Personal.

and are roaming at will every where except in the fortified towns. This morning about a dozen of the most prominent Spanish merchants have been arrested, charged with sending food to the interior, when selling it to agents, who in turn sell to the Insurgents. The latter seem to be well supplied with money.

The sickness is increasing, the U.S.Sanitary Inspector told me that the death rate of this city was three times as great - last week - (in proportion) as in the city of New York.

All of which, it seems, could be greatly remedied by cutting a canal from the upper end of the harbor to the ocean, some three and a half miles, and letting the gulf stream in, by giving the city a prop-=er sewerage system, and by compulsory vaccination.

One of the most trying and difficult of the many difficult duties I have to perform, is the economic and proper distribution of the relief fund. As I stated officially, the great majority of those here to-day, who are being fed on the bounty of the U. S. are persons who have no more interest or connection with that country or propose to have, the man of the family resided in the U. S. just long enough to get his naturalization papers, was never there before, and has never been there since, married and has a numerous family here, all of whom swear that they are destitute and must be fed, I am daily feeding now in this city some 440 of these per. day; it is true they are destitute, but so are

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, 1897.

Hon.Wm:R.Day,

Personal.

thousands of others.

I suppose Congress thought that what is known as destitute Americans here, were in a greater part bona fide American citizens, who having come to this Island, have been thrown out of employment by the destruction of sugar mills, cane etc. etc. and who should be fed or furnished transportation back to their homes in the U. S. I am therefore going very slow in spending the Goverments money for any such purpose, and resist all attempts to get me to spend it more rapidly, indeed I find a good many of these people have an idea that the whole $50.000 appropriated by the Goverment belongs to them, and that the sooner it ~~is~~ all brought here and divided out pro rata, the better.

I am very respec:
Truly yrs
Fitzhugh Lee

Copy.

No. 5 7 5.

Respondedgovt.
Form
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U. S. CONSULATE GENERAL.

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HABANA, July 15.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of Enrique A. Otazo.

---------O---------

One enclosure.

---------O---------

No.5 7 5.

U. S. CONSULATE GENERAL.

HABANA, July 15th.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With further reference to the case of ENRIQUE A.OTAZO and especially to my despatch 565 of the 7th.instant,I have honor to transmit herewith for the information of the Department copy of a letter received from our Consul at Cienfuegos,relative to the relief asked for by Mrs.OTAZO.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Mr.McGarr to Mr.Lee,July 10.1897.

No.5 7 5.

U. S. CONSULATE GENERAL.

HABANA, July 15th.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With further reference to the case of ENRIQUE A.OTAZO and especially to my despatch 565 of the 7th.instant,I have honor to transmit herewith for the information of the Department copy of a letter received from our Consul at Cienfuegos,relative to the relief asked for by Mrs.OTAZO.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Mr.McGarr to Mr.Lee,July 10.1897.

Enclosure No. 1

With Despatch No. 575

Habana July 15, 1897.

Acknowledged. Yarrow JUL 26 1897

U.S. CONSULATE GENERAL

Copy.

HABANA, July 15.1897.

JUL 20 1897

Consulate of the United States,

Cienfuegos July 10th.1897.

Mr. LEE

Fitzhugh Lee, Esquire,

TO THE

Consul General of the United States,

Habana.

DEPARTMENT of STATE.

Sir:-

I have received your letter of the 8th.instant relative to the petition of Mrs.Cornelia A.de Otazo. Her statements are hardly true. Possibly that of having addressed the Vice Consul at Cienfuegos without obtaining any answer may be correct, inasmuch as the Vice Consul has been absent in the United States for more than six weeks past.

But she has sent me several letters, all of which have been promptly answered. On the 29th.ultо., in response to her request to remit her money to Cardenas, I sent her a draft for $10.60 on Habana, it being impossible to obtain one on Cardenas.

Yesterday I received a letter from Mrs.Otazo saying that the remittance had not reached her. This I replied to, telling her the circumstances of the draft and suggesting that she make inquiries at the Guayabales Post Office.

Messrs.Cacicedo and Co., the drawers of the draft, have promised to hand me a duplicate, which I will forward to Mrs. Otazo.

I am, Sir,

Your obedient servant,

(signed) Owen McGarr.

Consul.....

Copy.

No. 576.

Acknowledged.
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JUL 26 1897

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HABANA, July 15.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of Pearce Atkinson.

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No. 5 7 6.

U. S. CONSULATE GENERAL.

HABANA, July 15.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In acknowledging receipt of the Department's instruction No.394 of 2nd.instant,with copies of letters from Hon. J.B.Foraker,and Mr.G.W.P.Atkinson,desiring to obtain details of the death and burial of the son of the latter,Pearce Atkinson,who was killed at Taco Taco on August 4th.1896,and instructing me to make inquiries therefor through Spanish channels,I beg to refer you to my despatch No.551 of 29th. ultimo,covering an affidavit made before me on the 29th. June last by Mr.John Allen Floyd,who was with Atkinson in the insurrection,and declares that he saw him after death and assisted in his burial.

Mr.Floyd left for New York on the 1st.July. His present address is not known,but his home is in Columbus, Georgia.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

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FILE

No. 577.

U. S. CONSULATE GENERAL.

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HABANA, July 15th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Referring to telegram of 30th ultimo and instruction 392 of the 2nd instant, signed by the Hon. Secretary of State, and instruction 395 of the latter date, signed by the Hon. Assistant Secretary of State, respecting estate "Confianza", at Vieja Bermeja, Matanzas, belonging to the American citizen Mr. Edelberto Farrés; and transmitting copy of protest made on this date before the Acting Governor General, in consequence thereof.

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1 Enclosure.

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No. 577.

U. S. CONSULATE GENERAL.

HABANA, July 15th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to the telegram, dated June 30th, and instruction number 392, of the 2nd instant, signed by the Honorable Secretary of State, and to your instruction number 395 of the latter date, respecting the American citizen Mr.Edelberto Farrés, owner of estate "Confianza, at Vieja Bermeja, Matanzas, I have the honor to report that notwithstanding that I have not been able to obtain the data in connection thereof from our Consul at Matanzas, I have to-day made the proper protest before the Acting Governor General, copy of which I beg to enclose herewith.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure: Mr.Lee to Acting Governor General, July 15th.

Enclosure No.1.

With Despatch No.577.

H A B A N A , July 15th,1897.

Copy.

U.S.CONSULATE GENERAL.

HABANA, July 15th, 1897.

To His Excellency the General 2nd in Command and in charge.

Excellency:

In obedience to instructions received from my Government, I have the honor to inform Y.E. that according to the advices received, the sugar plantation (demolido or non-grinding) known as "Confianza or Puig", situated in the municipal and judicial district of Alfonso XII, near the town of Vieja Bermeja, belonging to the American citizen, Mr. Edelberto Farrés now residing in New York, has been included by proclamation of the General in Chief, within the zone of cultivation, in which it is intended to colonize the Cuban "reconcentrados".

This intention on the part of the Spanish Government in this Island is considered by my Government as the appropiation of property belonging to citizens of the United Statess, by a process of forcible embargo, to subject it indefinitely to public use, as an agricultural settlement under conditions, which even if their early termination might be looked for, would completely destroy the resources of the property, deprive the owner of even the poor returns that might enable him to pay the onerous taxes due to the present circumstances, and cause great damage to a citizen of friendly Nation.

Notwithstanding my efforts to obtain some information in the matter from the U.S.Consul at Matanzas, he informs me that the data he asked for has not been furnished him by the Governo

Acknowledged. Aron AUG 4 1897

of that Province,

Therefore, in view of my said instructions I have the honor to respectfully make before Y.E. my protest against what has taken place in this matter, and if my information therein be correct, to ask of Y.E. the revocation of the orders given to occupy said plantation "Confianza", or any part thereof, for the purpose of converting it into an agricultural settlement for Cuban "reconcentrados"; all of which, if done, would constitute a violation on the part of the Spanish Government of anti-Treaty of the Treaty of 1795 between both Nations.

I am, etc. etc. etc.

(Sgd) Fitzhugh Lee,

Consul General.

Transmitting copy of a letter from Alfredo Laborde, the captain of the "Competitor", and two of his crew.

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1 Enclosure.

No. 578.

Acknowledged. Form AUG 4 1897

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U. S. CONSULATE GENERAL.

HABANA, July 16th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Transmitting copy of a letter from Alfredo Laborde, the captain of the "Competitor", and two of his crew.

----------o----------

1 Enclosure.

No. 578.

U. S. CONSULATE GENERAL.

HABANA, July 16th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to enclose you a copy of a letter received from Alfred Laborde, the captain of the "Competitor", and two of his crew, who are confined in the same cell with him.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure : Mr.Laborde to Mr.Lee, July 14th.

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FILE

No. 579.

Enclosure No.1. U.S. CONSULATE GENERAL.

With Despatch No. 578. HABANA, July 16th,1897.

H A B A N A , July 16th,1897.

Copy.

Cell 42,Fort Cabaña,July 14,1897.

General Lee.

Dear Sir:

To-day we received from Mr.G.E.Bryson,the correspondent for the "New York Journal" four copies of that paper,in the one dated the eighth of the present month we noticed an article that said that some of the crew of the "Competitor" had been complaining bitterly of Consul General Lee. Such is not the case,as none of the crew of the said vessel have had communications with the American papers,and we,the undersigned, deny all knowledge of the said article. It also says in the same paper that Melton is short of clothes,if that is the case, it is his own fault,for to our knowledge he has at least about 60 or 70 dollars,and therefore is able to buy clothes, or in fact anything he may require. We also know that he has clothes,as before Louis Payrol was shot he gave Melton the whole of his outfit. If there is one among the "Competitor" prisoners who is in want,it is Leavitt and not Melton. We would also call to your attention that the only one who has correspondence with the U.S.press is Melton and,therefore,it cannot be laid against the crew of the vessel,as he had no connection with her,outside of being on board when captured. We hope,General Lee,that you will excuse us for calling this to your attention, but we do not care to be under an unjust accusation,and beg to remain, etc. etc. etc.

(Signed) Alfred Laborde.
" W.Gildea.
" C.Barnett.

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No. 579.

U. S. CONSULATE GENERAL.

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HABANA, July 16th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Transmitting copy of a letter from Brice, our Consul at Matanzas, relative to the estate "Confianza", at Vieja Bermeja.

1 Enclosure.

No. 579.

U. S. CONSULATE GENERAL,

HABANA, July 16th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

With reference to my despatch No. 577, of yesterday's date, in which I transmitted for the information of the Department, a copy-translation of the communication addressed the same day to the Governor General, protesting, under instructions of the Hon. Secretary of State, against the use of any part of the estate "Confianza", at Vieja Bermeja, the property of an American citizen, for converting same into a colony for Cuban "reconcentrados", I have the honor to transmit a copy of a letter received to-day from our Consul at Matanzas, upon the same subject.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure: Mr. Bride to Mr. Lee, July 15th.

580.

Enclosure No. 1

With Despatch No. 579

Habana July 16, 1897.

---

copy.

U. S. CONSULATE GENERAL.

HABANA, July 17th, 1897.

Consulate of the United States of America.

Matanzas July 15th. 1897.

Fitzhugh Lee, Esquire,

Consul General of the United States,

Habana.

Sir:-

Mr. Brinkerhoff, Vice Consul, informs me this morning that he had the good fortune yesterday to see the Mayor of the district in which the estate "La Confianza" is situated. He (mayor) says that 3 caballerias (100 acres) of estate "Confianza" is within the cultivated zone, and were taken by his orders under bando of General Weyler, and that no lands are exempt, foreign owners or otherwise.

Hoping this information is satisfactory, I am,

Truly yours,

A. C. Brice

U.S. Consul.

1 Enclosure.

580

FILE

No. 580.

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U. S. CONSULATE GENERAL.

HABANA, July 17th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to sugar estate "Confianza", at Vieja Bermeja, belonging to Mr. Edelberto Farrés, an American citizen.

---------o---------

1 Enclosure.

No. 580.

U. S. CONSULATE GENERAL.

HABANA, July 17th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my despatches numbers 577,of the 15th instant,and 579,of yesterday's date,respecting sugar estate "Confianza",at Vieja Bermeja,Matanzas,belonging to the American citizen Mr.Edelberto Farrés,I have the honor to enclose herewith copy-translation of a communication received from the Acting Captain General on the subject.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

General to Ahumada to Mr.Lee,July 15th.

Enclosure No.1.

With Despatch No.580.

H A B A N A , July 17th,1897.

TRANSLATION.

ARMY OFTTHE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

Having received your courteous note of to-day respecting sugar estate "Confianza or Puig" (Matanzas),belonging to Mr. Edelberto Farrés,I have to-day asked the Chief of the Matanzas Brigade for information,and as soon as he furnishes me the same I will have the honor to communicate it to you.

God guard you many years. Habana,15 July,1897.

(Sgd.) Marques de Ahumada,

Acting Captain General.

To the Consul General of the United States.

CRANE'S
18 & 9C.
ALL LINEN

581

Dupl.

No. 581.

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Acknowledged.
AUG 3 1897

U. S. CONSULATE GENERAL.

HABANA, July 17th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Respecting Messenger Service.

No. 581.

U. S. CONSULATE GENERAL.

HABANA, July 17th,1897.

Honorable William R.Day,

Assistant secretary of State,

Washington,D.C.

Sir:

With reference to the Department's instruction No.403,of the 13th instant,received to-day,in which I am informed that the allowance for messenger service for this office during the fiscal year ending June 30,1898,had been increased from $1,000.- to $1,300,to enable me to employ a messenger for the office,I have to call the attention of the Department to the fact that the increase from $1,000.-to $1,200-was granted by instruction number 25,of July 9th,1896,and the entire amount is paid to one clerk,who on account of his experience in the Consulate,his attainments as a Spanish scholar,and a facility for writing and translating in both languages,and general usefulness well earns that salary.

This allowance of $1,200.-was continued for this fiscal year,as advised by the Department on June 15th last; but I stated in a former despatch that a good clerk made a poor messenger and vice versa,and asked a further allowance of $300.- for an office messenger,which I perceive the Department appears willing to grant,but in the instruction received to-day,it seems the Department is of the impression that the allowance was but $1,000.-when,as before stated,it is $1,200.-per annum. Am I to understand that an increase of $300.-to the present messenger allowance of $1,200-will be granted?

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

Dom.

582

No. 582.

ack by form & copy to Treas.
7/28/97.

U. S. CONSULATE GENERAL.

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HABANA, July 17, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

ack & Treasury

Visas to Chinese Certificates.

----------0----------

No.5 8 2.

U. S. CONSULATE GENERAL.

HABANA, July 17.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In accordance with paragraph 373 of Consular Regulations, and with reference to Instruction No.384,of June 25th.,I have the honor to inform the Department that the following certificates issued to Chinese subjects of the exempt class,have been visaed at the office to entitle them to admission into the United States,upon the following evidence respecting each Visa:-

Visa No.261. FUNG LONG QUONG. 29 years. merchant.

Upon affidavit of Lee Quay,partner of Wing Chung On and Co.22 Pell St.New York,before Frank Aiello,Notary Public,June 10/'97,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.262. LEE CHONG SING 22 years. merchant.

Upon affidavit of Lee Foi,managing partner of Wing, Hing Lung and Co.5 Mott St.New York,before Thos.F. Meagher,Notary Public,Sept.15/'96,attested by Clerk of Supreme Court,and visaed by Thos J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.263. CHU SAM. 28 years. merchant.

Upon affidavit of C.T.John,member of firm of Hang Lun Chun and Co.4 Doyer St.New York,before James Callam,Notary Public,June 17/'97,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.264. LEE LICK SING 31 years. merchant.

Upon affidavit of Lee Dong,managing partner of the firm of Yee Wah and Co.915 Race St.Philadelphia,before B.R.Zeitz,Notary Public,June 18/'97,and visaed by Acting Deputy Collector at Philadelphia.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.265. CHUNG WEY MEI. 50 years. merchant.

Upon affidavit of Chung Tom,managing partner of the firm of Chew Chong Wing and Co.906 Race St.Philadelphia,before B.R.Zeitz,Notary Public,June 23/'97,and visaed by Acting Deputy Collector at Philadelphia.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa 267. LEE SING 30 years. merchant.

Upon affidavit of Harry Lee King,managing member of Horn Hong Low and Co.11 Mott St.New York,before Frank Aiello,Notary Public,May 25/'97,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.268. SIONG SEPON 33 years. merchant.

Upon affidavit of Young Sing,member of the firm of Sim Kee and Co.15 Pell St.New York,before William Doll,Notary Public,New York,June 15/'95attested by Clerk of Supreme Court,and visaed by Thos.J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.269. LEE FOCK ON 41 years. merchant.

Upon affidavit of Lee Youy Ling,managing partner of Wing Wo Hing and Co.36 Pell St.before Jacob Finkelstein,Notary Public,June 3/'97,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

The above mentioned Chinese sailed by the steamship "Orizaba" July 15th.1897, for New York.

Visa No.266. LUNG POI. 28 years. merchant.

Upon affidavit of Chung Pon Sing,managing member of Kim Sun Low and Co.16 Pell St.New York,before Frank Aiello,Notary Public,May 25/'97,attested by Clerk of Supreme Court,and visaed by Thos J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.270. CHUNG BUN. 35 years. merchant.

Upon affidavit of Chung Hong,managing partner of firm of Kwong Hung Jin and Co.22 Mott St.New York, before Frank Aiello,Notary Public,June 24/'97,attested by Clerk of Supreme Court,and visaed by Thos J. Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.271. CHUNG CHOY YUEN. 35 years. merchant.

Upon affidavit of Chung Hong,managing partner of firm of Kwong Hung Jin and Co.22 Mott St.New York, before Frank Aiello,Notary Public,June 15/'97,attested by Clerk of Supreme Court,and Visaed by Thos.J. Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.272. CHIN AH BOO. 30 years. merchant.

Upon affidavit of John J.Chu,member of the firm of Chin and Co.4 Doyer St.,before Frank Aiello,Notary Public,March 25/'97,and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.273. CHIN QUOCK FONG. 41 years. merchant.

Upon affidavit of Chin Hoe Wah,managing partner of Young Woh Tong and Co.33 Mott St.New York,before Frank Aeillo,Notary Public,June 14/'97,attested by Clerk of Supreme Court,and visaed by Thos.J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.281. CHUNG SING. 15 years. student.

Upon affidavit of Bing Ding,managing member of Yuen Wo and Co.2 and 4 Mott St.New York,before Walter E. Bird Notary Public,June 18/'97,and visaed by Thos.J. Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.282. TAO KWAI. 22 years. merchant.

Upon affidavit of Chin Hee Wah,managing partner of Young Woh Tong and Co.33 Mott St.New York,before Walter E.Bird,Notary Public,June 17/'97,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

The above mentioned Chinese sailed this day for New York by the steamship "Concho".

I am,Sir,

Your obedient servant,

Consul General.

Enclosures missing

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, July, 17th. 1897.

Personal.

Hon: Wm: R. Day,

Asst. Sec. State,

Washington, D.C.

My Dear Judge:-

I send herein a copy of a letter from Laborde, Capt. of the "Competitor" and the two members of the crew who are confined in the same cell with him. Bryson reffered to, is the fellow I strongly suspect of crookedness in the Ruiz Report case.

I also enclose a copy of a letter from the Insurgent Gen'l. Castillo, which found its way here by some of the "under ground" trains.

The "F.S." referred to is a native American named Sommerford, whom I tried in vain to prevent from joining the insurrection. Of course I never answer any of these letters.

There is not much change here since I last wrote you. Weyler is still down in Cienfuegos - Santa Clara Prov. but I can not hear of anything being done in a military way. After going as far as Santiago de Cuba on a steamer, and publishing a proclamation that he was going to pacify the Eastern Provinces and that he had 40.000 men behind him, he has not only abandoned the Eastern Provinces, but ordered the evacuation and burning of Baymo, the only interior town in the whole of that large Province that the Spanish held. It was near this town that Martinez Campos was so badly defeated in July 1895, and came so near being captured.

The distress and deaths here are steadily increasing, as well

UNITED STATES CONSULATE GENERAL.

HABANA, CUBA, 1897.

Personal.

Hon: Wm: R. Day.

as disaffection among the Spanish soldiers, and all classes of people. I should not be suprised at any day to hear of or to see street riots.

This morning 600 workmen, in the Arsenal, here, struck - not for higher wages - but because they had received no pay at all for 10 months. For a long time the shop-keepers gave them .25 on the dollar for the asignment of their pay accounts, but lately would not give them that, and hence a strike, which means ~~three~~ two or ~~four~~ three thousand more people, including the women and children, rendered destitute. So altogether we continue having a "Monkey and Parrot time."

Very truly yours,

Fitzhugh Lee

CRANE'S
1893
ALL LINEN

583

No. 583.

2D ASSISTANT SECRETARY,
Mr. Otto E. Young, Massillon, Ohio, wrote about Cuban liens.
JUL 27 1897

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U. S. CONSULATE GENERAL

HABANA, July 19.1897.

Acknowledged. Form. Sabotage Copy to Otto E Young AUG 3 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of Albert Slusser.

---------0---------

One enclosure.

---------0---------

No. 5 8 3.

U. S. CONSULATE GENERAL.

HABANA, July 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to my despatch No.556 of July 1st., in answer to the Department's instruction No.381 of June 22nd., I have the honor to transmit herewith copy of a letter from our Consular Agent at Manzanillo, respecting the American,

Albert Slusser.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:-

Mr.Stakeman to Mr.Lee, July 14.1897.

Enclosure No.1.

With Despatch No.583.

Habana July 19.1897.

Copy.

U.S.Consular Agency,

Manzanillo July 14.1897.

Fitzhugh Lee,Esquire,

U.S.Consul General,

Habana.

Sir:-

In reply to your favor of the 6th.instant,I beg to state that neither Mr.Albert Slusser,nor any other citizen of the U.S.has been brought into this city as prisoner of war by Spanish troops.

I remain,Sir,

Very respectfully yours,

(signed) Wm.A.Stakeman.

Consular Agent.

---------0---------

Copy.

584

No. 584.

DIPLOMATIC
JUL 27 1897
BUREAU.

Consular Bureau.
Acknowledged.
AUG 4 1897

U. S. CONSULATE GENERAL.

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HABANA, July 20th, 1897.

Mr. LEE

TO THE

To Spain July 28

DEPARTMENT of STATE.

Relative to the case of Mr. LOUIS SOMEILLAN.

---------o---------

1 Enclosure.

No. 584.

U. S. CONSULATE GENERAL.

HABANA, July 20th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to enclose a copy of a letter received from Mr.L.Someillan, the son of Mr.Louis Someillan, now confined in the jail of this city. I can do nothing for him here, because he has already been tried and sentenced.

An appeal was taken, and is now supposed to be undergoing the tedious processes of Spanish jurisprudence. The attention of the Department has already been called to Mr.Someillan's case in despatches Nos.51,186,298,303,311,329,333, and the last paragraph of No.569, dated, respectively, July 15 and October 20,1896, and January 14,15,19,30, February 3, and July 8,1897.

I went to the jail a few days ago and had a conversation with this prisoner. I also, as I have previously informed the Department, attended the trial. There did not seem to have been any evidence against him, and the fiscal in summing up the case admitted the fact, as I understood him, but asked for conviction on the ground that the fact he had changed his flag was evidence of his disloyalty to Spain. He was sentenced to perpetual imprisonment, with chains. I think this is a most deserving case, and with this prisoner released we will have remaining in prison only the "Competitor" prisoners, and Manuel Fernandez Chaqueilo confined in fort "Cabaña", this city; Rafael Fernandez y Diaz, imprisoned in Sagua la Grande; and Julio Thomas Sainz and Frank Agramonte, at Santiago de Cuba; all of whom, being charged with rebellion with arms in hand, are subject to the ordinary

No. 584.

U. S. CONSULATE GENERAL.

HABANA, July 20th, 1897.

---

military jurisdiction.

I am, Sir, your obedient Servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Mr.L.Someillan to Mr.Lee, dated Key West July 7th.

Enclosure No.1.

With Despatch No.584.

H A B A N A , July 20th,1897.

COPY.

KEY WEST,July 7th,1897.

General Fitzhugh Lee,

U.S.Consul General,

Habana.

Sir:

One year and nine days,an innocent man in prison yet.When shall the Almighty take pity on us!

I have been waiting,as you told me; but I see it takes a long while,and you may leave Havana at any moment,and then all our hopes are gone.

Please,Sir,look into my Father's case,it all depends on you.

Respectfully yours,

(Sgd) L.Someillan.

No. 585.

Acknowledged.
AUG 4 1897

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REC'D
JUL 26 1897

U. S. CONSULATE GENERAL.

HABANA, July 20th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Adding the name of RAFAEL FERNANDEZ DIAZ to the list of American citizens imprisoned on this Island, reported in despath No.569, of the 8th July.

----------o----------

No. 585.

U. S. CONSULATE GENERAL.

HABANA, July 20th,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my despatch No.569,of the 8th instant, I desire to state that the name of RAFAEL FERNANDEZ DIAZ, confined in the Sagua jail,on the charge of rebellion with arms in hand,and subject to the ordinary military jurisdiction,as reported in my despatch No.492,of May 19th last,should be added to the list of American citizens imprisoned on this Island,and to which I referred in the second paragraph of my said despatch No.569.

I am,Sir,your obedient servant,

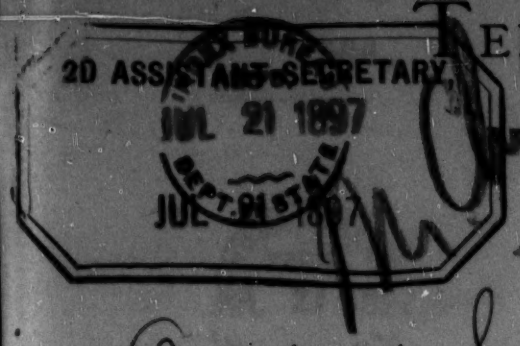
Fitzhugh Lee

Consul General.

Answer sent July 21 10 a.m.
Telegram

TELEGRAM- RECEIVED. Cipher

Confidential



From Havana

July 21, 1897.

Received 2:36 P.M.

Assistant Secretary
State
Washington.

Please to reply to my despatch No 570. Trial to-morrow.

Lee

Yes.

TELEGRAM RECEIVED in Cipher

2D ASSISTANT SECRETARY,
Confirm. aag
JUL 22 1897

From Havana

July 22, 1897

Received 12.15 P M.

Asst Sec State

Washington D C.

Attended trial to-day American prisoner mentioned my Despatch No. 570. Fiscal asked death penalty; Sentence Court not yet known.

Lee.

Dom. 586

No. 586.

FILE

U. S. CONSULATE GENERAL.

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HABANA, July 22, 1897.

✓ To Madrid Aug 14 '97

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of and confirming telegrams.

No. 586.

U. S. CONSULATE GENERAL.

HABANA, July 22nd, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

I have the honor to confirm my cipher telegrams, reading:

"HABANA,July 21.

"Assistant Secretary of State,

Washington.

Please to reply to my despatch number 570. Trial to-morrow.

(sgd) Lee."

"Habana,July 22.

"Assistant Secretary of State,Washington.

Attended trial to-day American prisoner mentioned my despatch number five seventy. Fiscal asked death penalty. Sentence Court not yet known.

(Sgd) Lee".

And also to acknowledge the receipt yesterday of your

telegram dated July 22,reading:

"Lee,Consul General,

Habana.

Instruction July fourteen authorized (authorized) employment counsel as asked five seventy.

Adee,Acting".

Up to this date the instruction of July 14th,mentioned above,has not been received.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

No. 587.

Acknowledged. Aug 4 1897

U. S. CONSULATE GENERAL.

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HABANA, July 23,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the withdrawal of military protection from the "Victoria estate.

1 Enclosure.

No. 587.

U. S. CONSULATE GENERAL.

HABANA, July 23rd, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:

In compliance with instruction No. 401, of the 13th instant, I have the honor to inform the Department that I have to-day addressed an official note to the Governor General, of which I accompany a copy-translation, protesting against the withdrawal of military protection from the "Victoria" estate, upon the grounds set forth in the letter of the Acting Governor General of the 28th May last.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Mr. Lee to General Weyler, July 23.

DIPLOMATIC
AUG 4 1897
BUREAU
ACKNOWLEDGED
AUG. 4 1897

No. 588.

Enclosure No.1.

With Despatch No.587.

H A B A N A , July 23rd, 1897.

July 23rd, 1897.

Copy.

U.S.CONSULATE GENERAL.

Mr. LEE

Habana,July 23rd,1897.

TO THE

To His Excellency the Governor General and Captain General of the Island of Cuba.

Excellency:

On the 28th May last I had the honor to address you a communication protesting against certain orders issued by your Government for the withdrawal of troops from the estate "Victoria",in the district of Sagua la Grande,your reply dated the 22nd of June stated that the "Victoria"estate was considered within the provisions of the Bando of June 30th and the circulars of the [illegible] February and 24th March last,and hence it could be protected,the expense of said protection being paid by the owners of said estate,in accordance with the instructions of the Captaincy General of April 16th, 1896, and that orders have been issued to withdraw the troops because of the inability of the owners to pay said expenses.

I have the honor to inform Y.E.that the matter has been brought by my Government to the attention of the Spanish Minister at Washington,as per enclosed copy of communication, and that I am instructed to renew my protest against the withdrawal of military protection from the "Victoria" estate upon the grounds advanced in the letter of the Acting Governor General of the 22nd June last,at the same time, as per instructions, reserving all rights in the matter.

I am, etc. etc.

(Sgd)Fitzhugh Lee,

Consul General

Cuyr. 588

No. 588.

DIPLOMATIC
AUG 4 1897
BUREAU
Acknowledged.
Jno. W. Foster
AUG 4 1897

U. S. CONSULATE GENERAL.

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REC'D.
JUL 28 1897
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HABANA, July 23rd, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

✓ To Chain
To Asst. S.

Relative to the withdrawal of troops from the "UNIDAD" estate.

--------o----------

Hav. Consuls 1/97.

Department of State,

CONSULAR BUREAU,

AUG 3 1897, 1897.

Mr. Adee

Do you wish to see this?

Ack by subject.

Mr. Smith

Copy to Genl Woodford for his information, referring to the instn to Gen Lee copy of which was furnished to Gen W.

Aug. 3.

A. A. [illegible]

No. 588.

U. S. CONSULATE GENERAL.

HABANA, July 23rd, 1897.

Hon: William R. Day,

Assustant Secretary of State.

Washington. D. C.

Sir:

With reference to the Department's instruction No. 405, of the 17th instant, relative to the estates "VICTORIA" and "LA UNIDAD", both situated in the district of Sagua la Grande, I have the honor to inform the Department, that the good offices of this consulate general were asked on the 18th June, last, by Mr. JOHN Mc CULLOCH, as administrator of the "VICTORIA" and administrator and part-owner of the "UNIDAD" estates, to obtain permission from the Captain General to take back to each of said estates three or four families of their employees who should be allowed to remain on the place.

On the 10th July, Mr. McCULLOCH again asked my good offices to obtain from the Captain General, an extension of the time allowed him to recruit new forces to replace those to be withdrawn from the "UNIDAD" on the 15th July, alleging that within the period of 8 days assigned him, it was impossible to recruit the necessary men, provide their armament, and carry out all the multiple details required by the authorities for the organizing an armed force, and if not ready by the 15th July, and the present force was then withdrawn, the estate stood some danger of being destroyed, and he therefore asked until the 1st August to comply with all the requirements of the government.

This request was at once granted by the Acting Governor General, and telegraphic orders sent to the Military Commandant at Sagua to continue the detachment stationed on the "UNIDAD" until the 1st August.

I am, Sir, your obedient servant,

Consul General.

Copy.

589

No 589.

Ask. Inform & copy to Treas.
7/30

U. S. CONSULATE GENERAL.

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REC'D
JUL 28 1897
DEPT OF STATE

HABANA, July 24th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Visas to chinese certificates.

---o---

Ask
Treasury suggestive investigation
copy to U.S. Consul Habana
re. visas of large no. of Chinese

No. 5 8 9.

U. S. CONSULATE GENERAL.

HABANA, July 24th,1897.

Hon: William R.Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

In accordance with paragraph 373 of Consular Regulations and with reference to Instruction No.384,of June 25th, I have the honor to inform the Department that the following certificates issued to chinese subjects of the exempt class,have been visaed at this office to entitle them to admission into the United States,upon the following evidence respecting each visa:

Visa No. 283. KWON GEE DUEY. 30 years. merchant.

Upon affidavit of LEM WAH,managing partner of Kuan Tang Lung and Co,46 Mott St, New York, before Frank Aeillo,Notary Public,June 28th,1897,visaed by Thos. J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government,Habana.

Visa No. 284. LOUIS WONG. 34 years. merchant.

Upon affidavit of CHUNG CHU KING, managing partner of Kwong Lung Jin and Co,22 Mott St,New York,before Frank Aeillo, Notary Public, June 24th,1897,and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by Regional Government,Habana.

Visa No. 285. CHONG WOH. 30 years. merchant.

Upon affidavit of CHIN YOU, managing partner of Wing Chung On and Co, 22 Pell St, New York,before Frabk Aeillo,Notary Public,June 8th,1897,and visaed by Thos.J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No. 286. CHONG PORK. 38 years. merchant.

Upon affidavit of CHIN YOU, managing partner of Wing Chung On and Co,22 Pell St, New York, before Frank Aeillo, Notary Public, June 8th,1897,and visaed by Thos. J. Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government, Habana.

Visa No. 287. LEM QUIN. 38 years. merchant.

Upon affidavit of LEM LONG,merchant and member of Sing Kee and Co,No.15 1/2 Mott St, New York,before James Callam, Notary Public,June 29th,1897,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government, Habana.

Visa No. 288. LEM HING. 40 years. merchant.

Upon affidavit of LEM LONG,merchant and member of Sing Kee and Co,No.15 1/2 Mott St, New York, before James Callam, Notary Public,and visaed by D.G.HAWTHORNE,Deputy Collector, June 30th,1897.
Certificate issued by Chinese Consul General and visaed by the Regional Government,Habana.

Visa No. 289. LEM KIM. 28 years. merchant.

Upon affidavit of LEM LONG, merchant and member of Sing Kee and Co, No.15 1/2 Mott St,New York, before James Callam, Notary Public,June 29th,1897,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government, Habana.

Visa No. 290. WONG FONG. 29 years. merchant.

Upon affidavit of CHIN YOU, managing partner of firm Wing Chung On Co,22 Pell St, New York,before Frank Aeillo, Notary Public,May 20th,1897,attested by the Clerk of Supreme Court, and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government ,Habana.

Visa No. 291. LUNG HOCK. 25 years. merchant.

Upon affidavit of LEE KEE,managing partner of Kwong Mow Wo and Co,13 Pell St, New York,before Frank Aeillo,Notary Public, June 25th,1897,and visaed by Thos. J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Gogermment,Habana.

Visa No. "92. LEE CHUNG. 18 years. student.

Upon affidavit of LEE KEE,managing partner of Kwong Mow Wo and Co,13 Pell St, New York,before Frank Aeillo,Notary Public,June 4th,1897,attested by the Clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government,Habana.

Visa No. 293. LUNG LING. 26 years, merchant.

Upon affidavit of LEE KEE, managing partner of Kwong Mow Wo and Co,13 Pell St,New York,before Frank Aeillo,Notary Public,June 25th,1897,and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul Gemeral and visaed by the Regional Government,Habana.

The above mentioned chinese sailed on the 22nd instant,

by S.S."CITY of WASHINGTON", bound to New York.

Visa No. 294. LAI GOW. 31 years. merchant.

Upon affidavit of LAI WING, managing partner of Joy Yit Hen Company,L3 Doyer St, New York,before Julius M. Adler, Notary Public,June 24th,1897,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government,Habana.

Visa No. 295. LUNG QUON. 22 years. merchant.

Upon affidavit of LUNG KAI, managing partner of Wo On Company,19 Pell St, New York,before Frank Aeillo,Notary Public,June 4th,1897,attested by Clerk of Supreme Court,and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed Byrthe Regional Government,Habana.

Visa No. 296. MARK LUN SUE. 25 years. merchant.

Upon affidavit of LING LUN,managing partner,of firm of YEEHING LUNG and CO,68 Bayard St, New York,before Frank Aeillo, Notary Public,May 25th,1897,and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government,Habana.

The above named chinese will sail by S.S."SARATOGA" today,for New York.

I am, Sir,

Your obedient servant,

Consul General.

-----o-------

Copy. 590

No. 590.

To be added to 592

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
JUL 28 1897
DEPT. OF STATE

HABANA, July 24th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Transmitting copy of protest and claim for indemnity of Mr. JOSÉ GONZALEZ, an American citizen.

---------o----------

One enclosure.

---------o----------

Rec'd Nov. 9/96.
To Mar. 31/97.

No. 590.

U. S. CONSULATE GENERAL.

HABANA, July 24th, 1897.

Hon: William R.Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

I have the honor to transmit herewith copy of a protest made before me against the Spanish Government, by the American citizem, JOSÉ GONZALEZ, in which is embodied a claim for indemnity for losses to his personal and property interests, and for unjust imprisonment.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

One enclosure:

Copy of claim and protest referred to above.

Enclosure No.1 -2-

With Despatch No.590.

H A BA NA. July 24th,1897.

United States Consulate General,
Habana July 22.1897.

BE IT KNOWN,that on this 22nd.day of July,eighteen hundred and ninety seven,before me,the undersigned United States Consul General at Habana,personally came Mr.JOSÉ GONZALEZ,a citizen of the United States,to me personally known,who being duly sworn,did declare and state as follows:-

That he is a native of Bejucal in this Island of Cuba; sixty three years of age,widower,of commerce; that he is a naturalized citizen of the United States,which naturalization he obtained before the Court of Quarter Sessions,Philadelphia, on Sept.7th.1871, and that he lived for a number of years in said city and raised a family which still resides there: That he came to this Island in the year 1881,and was duly registered at the U.S.Consulate General,No.2763; that in August of 1895,after a trip to San Domingo,he resolved to establish himself in this Island,to look after his business interests; that he resided in this capital until Nov. '95,when he removed to the district of Mangas,province of Pinar del Rio,where he engaged in agriculture and tobacco planting,and remained until the 9th.November 1896,when he was arrested by the authorities, and imprisoned,for alleged political offenses.

That on the first December 1895, he made a contract with Mr.NICOLAS LEON y DIAZ and Mr.JOSÉ LEON y DIAZ,at Pijirigua, district of las Mangas,province of Pinar del Rio,owners of the "Esperanza" plantation of 15 caballerias of land (500 acres) located in the same district and whose boundaries are as follows: on the north with the lane leading to the "Desquite", on the south with the turnpike leading from Portrigués to Punta Brava, on the east with the Pijirigua lane, a.. on the west with the plantations "Yndustria" and "Santa Ana"; according to which contract for five years,the aforesaid owners delivered

all the appurtenances of the said "Esperanza" plantation, which will be hereafter enumerated, the undersigned binding himself to fully return them at the expiration of the contract, or to pay the amount of such appurtenances as should be lacking, which would be done, either by mutual agreement, or in case of disagreement, through experts appointed for the purpose; the undersigned agreeing to pay in advance every six months at the annual rate of $3500.00 Spanish gold, the proportionate part, viz:- $1750.00, every six months.----------" 300.00

The witnesses of same were:- Don FRANCISCO V.FERNANDEZ, commerce, a resident of this capital; and Don JUAN CRUZ, property holder, a resident of the district of las Mangas, province of Pinar del Rio.

The first two semi-annual payments were made in accordance with the provisions of the contract.

Both parties agreed to preserve a copy of the agreement; for which reason it was made in duplicate.-- The copy belonging to the undersigned disappeared, either in the seizure of his papers by the local guerrilla of Artemisa, or in the unintentional fire which took place after his imprisonment. The other copy of the contract is in possession of the Messrs. NICOLAS and JOSÉ LEON y DIAZ, who demand the compliance with the stipulations contained therein which the undersigned is unable to perform owing to the present unforseen circumstances.

The following are appurtenances which were received with said plantation, and their estimated values, for which the undersigned became responsible:-

1 dwelling house built of stone and mortar and flat tiles, measuring 30 yards front by 24 deep, with furniture,----------$ 4,500.00

1 adjoining house, built as above, used as kitchen, pantry and grain deposit, measuring 40 yds. front by 20 deep----------" 3,000.00

1 wooden house with tiles, 20 yds. front by 9 deep used for breeding domestic fowls----------" 1,500.00

Forward

Brought forward		$
3 houses used for curing tobacco,built of wood		
and Spanish tiles,20 yds.front by 40 deep------	"	3,000.00
1 well with its house of flat tiles,and		
machinery to draw water----------	"	200.00
1 large water tank of Roman cement and bricks--	"	100.00
1 house built of stone and mortar and bricks,24		
yds. long by 16 wide,used for drying coffee----	"	100.00
3000 coffee trees----------	"	3,000.00
5000 banana plants----------	"	300.00
Fruit trees----------	"	500.00
4 tobacco fields (vegas), with their respective		
factories made of wood and palm leaf thatch,----	"	2,000.00
5000 (cujes) poles for curing tobacco on,-------	"	500.00
1 corn sheller,----------	"	12.00
1 corn mill,----------	"	25.00
250 brood mares,----------	"	10,500.00
5 jack asses,----------	"	500.00
175 milch cows,----------	"	3,500.00
50 bulls,----------	"	1,500.00
18 yokes oxen for the work,----------	"	1,000.00
8 horses for the use of the (potrero),		
grazing farm----------	"	480.00
45 sows----------	"	450.00
5 boars----------	"	40.00
over 100 hens and other fowls----------	"	50.00
stone fences on the place (in bad order)-------	"	500.00
paddock for cattle (bad order)----------	"	200.00
sundry labor implements----------	"	50.00
Amount of rent,bound to pay until expiration		
of contract----------	"	14,000.00
Profits,which he should have received,and which		
he has not,according to an approximate		
calculation ---	"	8,000.00
Moral injuries in consequence of his		
imprisonment---	"	50,000.00
Am't.carried over		$109,507.00

On the same date and place, before the same witnesses, and in accordance with the laws referred to in the previous contract, another contract was extended in duplicate between NICOLAS LEON y DIAZ and the undersigned, by which the latter was appointed Administrator or Manager of the plantations bordering on the "Esperanza", named "Santa Ana", of 28 2/3 caballerias (955 acres) of land, and "Yndustria" of 42 caballerias (1400 acres); according to which agreement the undersigned was to receive 50% of the net proceeds, after deducting the said LEON from the proceeds, $2000.00 per annum for the "Santa Ana" plantation, and $1700.00 for the "Yndustria". in consequence of the benefits of which he brought to the contract; the undersigned binding himself to return the said plantations with their appurtenances, at the expiration of five years, in the same conditions under which he received them, as follows:-

Stock farm (potrero) "SANTA ANA".

Amount brought over	$109,507.00
5 caballerias (167 acres) planted with cane ready for cutting	" 12,000.-
11 ploughs	" 132.00
4 carts	" 600.00
2 wagons	" 170.00
20 yokes of oxen	" 2,000.00
205 cows	" 4,100.00
25 bulls	" 750.00
20 brood mares	" 1,000.00
2 jack asses	" 200.00
314 pigs	" 2,198.00
7 working horses	" 420.00

Stock farm (potrero) "YNDUSTRIA".

1 dwelling house, stone and mortar with tiles	" 2,000.00
1 house, same as above	" 1,000.00
Forward	

	Carried forward	
1 wooden dairy with tiles	"	2,000.00
1 " thatched house for workmen	"	200.00
3 ovens built of stone and mortar-and-tiles for burning bricks	"	1,000.00
413 cows	"	8,260.00
42 bulls	"	1,260.00
32 mares	"	1,600.00
2 stallions	"	200.00
over 700 pegs	"	4,900.00
74 sheep	"	696.00
Profits which he should have realized during the four years, until the expiration of the contract, about	"	4,000.00
	Total amount	$160,193.00

When the province of Pinar del Rio rose in arms, the property which this appearer managed, as well as that belonging to him, was respected by the revolutionists, only because of the fact that it belonged to an American citizen.

The undersigned has always complied strictly with the laws of this country, which he can prove by General AROLAS, and by the commanders of fort No.1. at las Mangas, named Don BERNABÉ VAQUERO and Don MAURICIO ALVAREZ; besides this, he had a safe conduct issued by the authorities to remain in the plantation "Esperanza", which was visaed weekly before the military commandant of Artemisa.

On the 9th. of November last, early in the morning, the petitioner's house was broken into, in the said plantation "Esperanza" by part of the local guerilla of Artemisa, he was taken out of his bed, placed between sentinels, regardless of the fact of his American citizenship, the permit from the authorities, his age, nor the bad condition of his health; his house was immediatediately searched with no respect to the ladies present,

all his papers seized,among which were the certificate of naturalizatioan,pass port and consulat certificate of this Island, which have not been returned to him; a small American flag which he had in his room was torn to pieces by the celador of Artemisa,Mr?Gonzales de la Puente.

The petitioner's employee,Dámaso Buriel,of 63 years of age who was the only man accompanying him,was imprisoned and is still confined in the Pinar del Rio jail. After the search, they were taken away by the armed force; the ladies begged that they be alloweé to be taken on horseback,to which the troops only replied "let them die".

Onthe 10th November 1896,they were taken by rail to the jail of Artemisa,where this appearer was notified that next day he would be taken to Pinar del Rio; and on the 11th November 1896 he was taken to the military station,delivered to the civil guard on the train,confined in an iron clad car and suffering from fever. After a whole's day's ride without even water being allowed him,nor a morsal of bread he arrived at Pinar del Rio at 11 P.M. and was at once confined in the jail of said city.

One month elapsed before any deposition was taken from the undersigned;at last,at the expiration of one month,he was notifieé by the Alcalde (jailer) that his case had been referrd to the war jurisdiction. Nearly another month elapsed without even a simple interrogatory; finally the cavalry Captain LOPEZ YBAÑEZ appeared and took this appearer's first dedlaration, and another month elapsed without any attention being paid to the case,until the undersigned was again notified that it had been referred to the civil jurisdiction.

During the first days of his arrest the undersigned wrote and sent two letters by mail to the Consul General of the United States at Habana,without obtaining an answer,until finally, having sent a third letter by a friend,he learned that the Consul General had not received his two first letters.

Over.

Deprived of his liberty,ill,and suffering from the consequences of his imprisonment,the undersigned remained in carcerated until the 31st of March,1897,when his provisional(temporary,) release was decreed.

The eye-witnesses of the outrages received at the £ESPERANZA" plantation,are Don. DAMASO BURRIEL,now still incarcerated in Pinar del Rio,Mrs CARMEN CRUZ de LABORÍ,a resident of Artemisa,and Mrs SIMONA CRUZ, now living at No.18 Cerrada del Pasc Street,Habana,besides several children who the said ladies can indicate.

In consequence of the above stated,the undersigned claims and protests against the damages and losses caused by reason of his unjust imprisonment and destruction of his property for want of protection from the Spanish Government,declaring that all these damages,moral as well as material,have originated without the participation of the claimant.

And this deponent doth solemnly protest against the Spanish Government in the Island of Cuba,for the losses and damages sustained by him in his personal and property interests,and to his health caused by his long and unjust imprisonment,and doth declare that his treaty rights as an American citizen have been violated,and therefore, he believes himself as entitled to receive an indemnity from the Spanish Government for the aforesaid losses and damages to his personal and business interests, as aforesaid,the prejudice to his health and jeopardy of his life caused as herein set forth; and doth estimate the same in the amount of ONE HUNDRED and SIXTY THOUSAND ONE HUNDRED and NINETY THREE dollars,in gold,which is divided as follows:-

Property destroyed in the "ESPERANZA","YNDUSTRIA" and SANTA ANA" plantations; eighty four thousand one hundred and ninety three dollars. . . . . $ 84,193.-

Rent which he has to pay until the expiration of the contract of the "ESPERANZA" plantation,fourteen thousand dollars.

" 14,000.-

Over, $ 98,193.-

Brought over $ 98,193.-

Profits not realized, in consequence of the destruction of the above mentioned plantation, twelve thousand dollars. $ 12,000.-

For moral injuries suffered in consequence of unjust imprisonment, fifty thousand dollars, . . " 50,000.-

The foregoing amounts aggregate ONE HUNDRED and SIXTY THOUSAND ONE HUNDRED and NINETY THREE Dollars, $ 160,193.- already mentioned, for which he doth make formal demand and claim. (Signed.) JOSÉ GONZALEZ.

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U.S.CONSULATE GENERAL.

HABANA, July 23rd.1897.

BE IT KNOWN, that on this 23rd day of July, 1897, before me, the undersigned, Consul General of the United States of America at HABANA, CUBA, personally appeared Mr.JOSÉ GONZALEZ, a citizen of the United States, to me personally known to be the same person named in the foregoing document of the nature of a protest and claim for indemnity against the Spanish Government, to which he hath subscribed his name, and duly sworn, deposed to the facts therein stated which he declares to be true.

WITNESS my hand and official seal, at HABANA, this 23rd day of July, 1897.

(Signed) FITZHUGH LEE.

Consul General.

------o------

A true copy:

Fitzhugh Lee

Consul General.

--------o--------

591

No. 5 9 1.

U. S. CONSULATE GENERAL.

INDEX BUREAU
RECD.
JUL 28 1897
DEPT. OF STATE

HABANA, July 24th, 1897.

Acknowledged.
To Treasury
AUG 14 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Respecting a naptha launch received in August of 1896, for the use of the Sanitary Inspection office here.

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One enclosure.

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No. 591.

U. S. CONSULATE GENERAL.

HABANA, July 24th, 1897.

Hon: William R. DAy,

Assistant Secretary of State.

Washington. D. C.

Sir:

This office was notified by the Department's instruction No. 58, of August 14th, 1896, that the Surgeon General of the Marine Hospital Service would ship a naptha launch from Key West for the use of the Sanitary Inspector attached to this office, and I was instructed to have the vessel registered in accordance with the Spanish laws.

The launch was received here about August 29th, and I turned over to a custom house broker named PEGUDO, the bill of lading, etc, to enter it at the custom house, pay duties, and obtain the necessary register.

I was unable to obtain from the Marine authorities any permission to allow the launch to remain under the American flag, but was reminded instead of the necessity of having it measured and registered under the Spanish flag as the property of a Spanish subject.

As I had no authority to dispose of this property of the U.S. Government by transfer to a Spaniard, the matter was allowed to drag along and nothing was done, the launch in the meanwhile doing good and necessary service to the Sanitary Inspection office.

I have now received a letter from Mr. PEGUDO on the matter, stating that the custom house was pressing him for the payment of duties, etc, and the registration of the launch as Spanish property.

I beg leave to refer the letter to the Department and ask for instructions. I am, Sir, your obedient servant

Fitzhugh Lee

Consul General.

No. 892.

Enclosure No. 1

With Despatch No. 591

Habana July 24, 1897.

Copy-translation.

Habana 10th. July 1897.

To the Consul General of the United States, Habana.

Sir:-

On the 29th. August, 1896, I entered at the Habana Custom House, by order of that Consulate General, and according to bill of lading received, a steam launch for the service of that office, coming from Key West, Fla., by steamer "Mascotte" and consigned to you; and whereas, notwithstanding the time elapsed, the formalities demanded by the Custom House for the payment of import duties have not been complied with, I beg you to furnish me with the proper antecedents, in order that the said launch may move about freely in the harbor, after paying the tonnage and register dues.

I beg you to answer me this letter soon, not only because the Custom House demands me, as importer of the launch, the payment and compliance of the requirements, which are pending, but, also, because notwithstanding my inquiries at your office respecting the matter no conclusion has yet been reached.

You are certainly aware of the fact that besides the settlement of the duties it is necessary to proceed to register and change the flag of the launch, and to prove the ownership of the same by a Spanish subject, in accordance with the harbor regulations.

I am, Sir,

etc. etc.

(signed) R.B.Pegudo.

No. 592.

U. S. CONSULATE GENERAL.

HABANA, July 26th, 1897.

Acknowledged. Form. Copy & corr. to Consul at Sagua. AUG 5 1897

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Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to a declaration alleged to have been made by Mr. Samuel T. Tolon, an American citizen, before the Chief of Police of Matanzas.

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1 Enclosure.

No. 592.

U. S. CONSULATE GENERAL.

HABANA, July 26th,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

With reference to my despatch No.471,of May 11th,in reply to instructions Nos.265 and 389,I have now the honor to transmit a translation of a communication from the Governor General to the effect that neither in that office nor in that of the Regional Government of Matanzas exists any proof of the declaration alleged to have been made by Mr.Samuel T.Tolon,before the Chief of Police of Matanzas.

I have also transmitted the foregoing to Messrs.Coudert Brothers,of New York.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure:

The Governor General to Mr.Lee,,July 23rd.

Enclosure No.1.

With Despatch No.592.

H A B A N A , July 26th,1897.

Translation.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

In answer to your courteous official letter of the 23rd April last,requesting copy of a declaration made before the Chief of Police of the province of Matanzas by the American citizen Mr.Samuel T.Tolon,I have the honor to inform you that neither this General Government nor that of the Matanzas Region have any knowledge of the declaration,of which you request a copy.

God guard you many years. Habana,23 July,1897.

(Sgd)Valeriano Weyler.

To the Consul General of the United States.

Copy.
To Madrid
July 27 1897

FILE

3rd. ASST. SECRETARY
JUL 27 1897

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REC'D.
JUL 28 1897
DEPT OF STATE

TELEGRAM RECEIVED.

From Habana,

July 27, 1897.

Assistant Secretary State
Washington.

Received 5.15 P/ M.

Evening paper here publishes telegram that Madrid authorities refuse set aside death sentence of the* American mentioned instruction four hundred four.

Lee.

* Manuel Fernandez Chaguecito -]

Deciphered by Newton.
5.20 P/m. July 27/97

593

No. 593.

✓ 7, inclosed Aug 19

Acknowledged. 18mm AUG 4 1897

U. S. CONSULATE GENERAL.

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HABANA, July 28th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the case of MANUEL FERNANDEZ CHAQUEILO.

1 Enclosure.

No. 593.

U. S. CONSULATE GENERAL.

HABANA, July 28th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to confirm my telegram in cipher of yesterday reading:

"Habana, July 27.

Assistant Secretary of State,

Washington.

Evening paper here publishes telegram that Madrid authorities refuse set aside death sentence of the American mentioned instruction four hundred four.

(Signed) Lee."

In connection with this case I transmit copy translation of an official note addressed to the Governor General yesterday asking for information in the matter, as yet I have received no reply.

The prisoner's counsel stated to me yesterday that one of the military Judges of the Court informed him that Manuel Fernandez Chaqueilo had been sentenced to life imprisonment and that if the sentents is carried tout it would result in his being sent to Ceuta, Africa. This would dispose of his testimony as a witness in the Govin matter as effectually as if he had been shot. I heard the Fiscal at the trial ask for a sentence of death, and until my communication to the Governor General is answered I cannot know certainly what will be done.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:
Mr. Lee to the Captain General, July 27.

TELEGRAM RECEIVED.
JUL 29 1897

Enclosure No.1.

With Despatch No.593.

H A V A N A , July 28th,1897.

Copy.

U.S.CONSULATE GENERAL.

HABANA, July 27,1897.

To His Excellency the Governor General and Captain General of the Island of Cuba.

Excellency:

The afternoon edition of the "Diario de la Marina" publishes a telegram from San Sebastian, Spain, to the effect that Sr. Canovas has said that it is impossible for the Government to pardon Manuel Fernandez.

Presuming that this telegram refers to the American citizen Manuel Fernandez Chaqueilo, and as I am further informed that he has been sentenced to death and will be shot, I have the honor to ask Your Excellency for such information as it may be in your power to give me, in order that I may report, as instructed, to my Government.

I am, etc. etc.

(Signed) Fitzhugh Lee,

Consul General.

DEPT. OF STATE
JUL 29, 3.00 PM 1897
CHF. CLKS. OFFICE
RECEIVED

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REC'D.
JUL 29 1897
DEPT. OF STATE

Referred
AUG 2 1897

3rd. ASST. SECRETARY
JUL 29 1897

16

TELEGRAM RECEIVED.

From Havana

July 29, 1897

Received 2.30 P.M.

Asst Secy State,

Washn D.C.

Not known here yet

See dispatch mailed

Yesterday

Lee

Lee

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RECD.
JUL 29 1897
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TELEGRAM RECEIVED. 28 Govt

Confirmed AUG 4 1897

7 M.

From Habana

July 29, 1897.

Received 5 P. M.

Asst Secy State,

Washn D.C.

Confirm & file ack

In conformity instructions report arrest Guines twenty seventh American Citizen Isidro Manuel Hernandez asked for Charges and demanded treaty rights

Lee

594

No. 594.

2D ASSISTANT SECRETARY, J. Woodford Aug 4. 97
" J. J. Rodriguez " "
Ack Aug 5, 97.
AUG 4 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU REC'D AUG 2 1897 DEPT. OF STATE

HABANA, July 29th, 1897.

3rd. ASST. SECRETARY AUG 4 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the case of the estate "Confianza".

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1 Enclosure.

_____o_____

No. 594.

U. S. CONSULATE GENERAL.

HABANA, July 29th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

With reference to the case of the estate "Confianza", reported in my despatches Nos.566,577,579,and 580,of the 7th, 15th,16th and 17th instant,respectively,I have the honor to transmit herewith translation of a communication from the Captain General showing,as the result of my efforts under the instructions of the Department,that orders have been given to desist from using the lands of the said estate as a zone of cultivation,and the same were left at the disposal of their owner.

I am,Sir,your obediant servant,

Fitzhugh Lee

Consul General.

1 Enclosure: The Captain General to Mr.Lee,July 29th.

Enclosure No.1.

With Despatch No. 594

H A B A N A , July 29th,1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL .STAFF.

Under date of the 20th instant the General Commanding the Matanzas Brigade reports to me as follows:

"Excellency:- The Commandant of Arms of Vieja Bermeja, to whom I referred your superior communication of the 7th instant in order that he would comply exactly with the provisions therein contained respecting not to utilize the lands of the sugar estate "Confianza" as zone of cultivation (zona de cultivo), informs me that it is true that some of the lands belonging to the above mentioned estate were utilized to that effect because being within the zone assigned by the Junta (Board), but that in view of your orders the said Commandant of Arms notified the President of said Board on the 10th instant to absolutely desist from utilizing the lands of the estate referred to, and since that date the same were left at the entire disposal of their owner, and have not been further utilized. Which I have the honor to communicate to you for your superior information."

I have the honor to transmit to you the above in answer to your note of the 15th instant, which I hereby answer.

God guard you many years. Habana, 28 July, 1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

595

FILE

No. 595.

U. S. CONSULATE GENERAL.

HABANA, July 29th, 1897.

To Madrid Aug 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of and confirming telegrams.

----------o----------

No. 595.

U. S. CONSULATE GENERAL.

HABANA, July 29th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to acknowledge receipt of your telegram, dated to-day, reading:

"Lee, Consul General, Habana.

Report Chaqueilo's sentence,

Adee, Acting".

Also, to confirm my telegrams of to-day, as follows:

(1) "Assistant Secretary of State,

Washington.

Not known here yet. See despatch mailed yesterday.

Lee".

(2) "Assistant Secretary of State,

Washington.

In conformity instructions, report arrest, Güines, twenty seventh, American citizen Pedro Manuel Hernandez. Asked for

charges and demanded treaty rights.

Lee."

I am, Sir, your obedient servant,

Consul General.

TELEGRAM RECEIVED. Cipher

INDEX BUREAU
REC'D.
JUL 30 1897
DEPT OF STATE

Confirms by mail to Gen'l Lee Aug 2.
See instruction in Spain Aug 2.

From Havana

July 30, 1897.

Received 1.10 P. M.

Assistant Secretary of State
Washington
D.C.

Final sentence not pronounced. Case referred to Supreme Court of War and Marine Madrid. Would not advise at present pressing for decision of the case.

Lee

596

No. 596.

2D ASSISTANT SECRETARY,
Ack by subject. aab
AUG 5 1897

INDEX BUREAU REC'D. AUG 3 1897 DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, July 30th, 1897.

Acknowledged. Jiron AUG 6 1897

Mr. LEE

√ Copy to the President. Aug 5. Alek

TO THE

DEPARTMENT of STATE.

Enclosing a letter from Consular Clerk Rockwell, relative to a trip to Artemisa.

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1 Enclosure.

No. 596.

U. S. CONSULATE GENERAL.

HABANA, July 30th, 1897.

Hon. William R. Day,

Assistant Secretary of State,

Washington.

Sir:

On Sunday last, 25th instant, Consular Clerk Rockwell visited some of his friends living in Artemisa, on the Western railroad, near the boundary line of Havana and Pinar del Rio provinces, and about 45 miles from this city, on the Mariel-Majana trocha.

I requested him, though going on a private and not official capacity, to observe the condition of the people and the country. I enclose herewith a letter from him to me, giving his observations in Artemisa during his trip.

Mr. Rockwell is a very conscientious and truthful man, and I, therefore, can endorse and recommend for the serious consideration of the Department the deplorable and heart rending scenes he witnessed. His letter to me is in line with the information I get from all parts of the Island; for instance, this morning I received a letter from Mr. Brice, our Consul at Matanzas, in which he says that the condition of reconcentrados and poor people of that city is rapidly growing worse, yellow fever is increasing, disentery epidemic, starvation and misery on every hand.

Another letter from the Consul at Sagua says the same thing about matters in his section. I can assure the Department that there is no exaggeration in the reports of the overwhelming misery, sufferings, and death of the Cuban reconcentrados.

I am, Sir, your obedient servant.

Fitzhugh Lee

Consul General.

1 Enclosure: Letter referred to.

Copy

Enclosed with Despatch No.596.

Habana, July 29th.1897.

Fitzhugh Lee,Esquire,

Consul General of the United States,

Habana.

Sir:-

I have the honor to report the following facts and observations made on a recent visit to ARTEMISA in the Province of Pinar del Rio,which is now one of the most densely populated of the many districts of concentration in the Island.

According to a statement of the Civil Government for the year 1896,71,000 deaths took place in the above mentioned Province,which,previous to the commencement of the war,contained 240,000 inhabitants.

Of the former 9000 people constituting the Municipality of Artemisa,fully 4000 lived in the adjacent rural districts. The average annual mortality was 150 persons,and during the year 1895 there were only 140,as shown by the Civil Register, to which I had access.

The destruction of the towns of Cayajabos and Las Mangas forced their occupants to seek refuge in Artemisa,as well as many persons from Candelaria and Quiebrahacha,who,with the neighboring country people,being compelled to enter the towns on account of the Bando of Reconcentration issued by General Weyler Oct.16.1896,formed a grand total of 21,000 souls. Of these fully 12,000 have disappeared through various causes, and of the 9000 people now comprising the population of Artemisa,there are fully 4000 deprived of any means of subsistence, save from the roots etc.they are able to gather,and who are perishing from starvation at the rate most alarming.

The huts (barracones),in which these "reconcentrados" dwell, are constructed of the wood of the palm tree,and have been erected at the expense of the municipality. They contain from 8 to 30 persons each; and their thatched roofs form a

fairly adequate protection against the present heavy rains, though the dirt floors are frequently flooded.

The appearance of the people in this quarter of the town is pitiful in the extreme. Many are quite unable to walk on account of their swollen legs and feet - one of the signs of lack of proper food and caused by the impoverished condition of the blood. Others with faces drawn with hunger wander about the town begging from house to house or endeavoring to secure the remnants from the tables of the soldiers' mess.

Their food is entirely vegetable in character, consisting of the yuca root, calabaza (squash) and such as they able to raise in their scanty gardens. To venture outside the military lines of the town without a pass is certain death at the hands of the soldiers.

These wretched people are composed in the greater portion of old men, women and children - the able bodied young men having deserted their families to join the revolutionary forces. The general health of the community, as far as I was enabled to ascertain, appeared to be fairly good, almost all the deaths resulting from starvation. At present the death rate is from 25 to 35 daily, which I verified by a visit to the house of the Priest whom I know personally, and who is a good, conscientious man, endeavoring to his utmost to relieve the great suffering.

The huts are most meagerly furnished, and the bed usually consists of a few rags thrown on the hard dirt floor. In these families are crowded together regardless of sex, and naturally the people take but little heed of decency. The interiors present the most distressing scenes. Entering one, in which were living 26 persons by actual count, I saw the bodies of two children stretched on the floor, and covered with some filthy rags not far off, lay their mother. All had died the night previous, and the emaciated corpses told the sad story only too plainly. In another hut but a short distance away was another corpse. Sitting a corner was a young woman, who

Consular Clerk.

almost delirious from the horrors of the situation, and unably to walk on account of her swollen feet, had given way to an uncontrollable grief. I endeaved to calm her, asking her to tell me of her troubles. For answer she pointed to some sacking by her side on which lay her young child who was even then drawing its last breath.

As I walked about this doomed settlement I saw these "reconcentrados" lying about everywhere, many powerless to move, patiently awaiting the end. In the house in which I stayed my host told me that but a few mornings previous to my arrival he found the corpse of a man on his porch on opening his house in the morning.

Not a hundred yards from the church of Artemisa - now employed as a prison - I encountered another corpse lying under a shed in close proximity to a group of moribund persons. The body presented a sickening spectacle, covered with flies, as decomposition had already set in.

The death cart makes its rounds several times daily, and into it the corpses are thrown without ceremony, and taken to the cemetary where they are interred in a long ditch. A thin layer of earth is then cast on the remains, and the next day the operation is repeated till the ditch is full.

I made repeated inquiries both of the "reconcentrados" as well as from the Priest and others of position if any assistance, either in medecines or food, was furnished these people by the Government authorities, and universal answer was that there was absolutely none. These "reconcentrados" have entered the towns, in obedience to a Proclamation, with no hope of aid from the authorities, and their duration of life there is merely a question of physical strength.

This state of affairs now to be seen in Artemisa is but a repetition of what is taking place in all the towns of reconcentration on the Island.

I am, Sir, Your obedient servant,

Donnell Rockwell

Consular Clerk.

Ask. Aug. 4, 97.

No. 597.

U. S. CONSULATE GENERAL.

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REC'D.
AUG 3 1897
DEPT. of STATE

HABANA, July 30th, 1897.

3rd. ASST. SECRETARY
AUG 4 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the relief fund.

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No. 597.

U. S. CONSULATE GENERAL.

HABANA, July 30,1897.

Hon.William R.Day,

Assistant Secretary of state,

Washington.

Sir:

Replying to your instruction No.409,of the 21st instant,I have the honor to state that our Consul at Santiago de Cuba only reported 70 destitute Americans,including families,in his district,which means about 20 grown persons.

On the 12th June $350, were sent to him,and since that date and before I received the above instruction,I sent him $250. more.

The telegram from the Department of State,dated May 21st, requires me to use my discretion in furnishing Consuls in Cuba with the relief fund money,and limits the expenditure of that money to food and medicines,and "transportation of those without means who desire to return home."

In instruction 409 it is stated, that passage could be furnished to those who desired to return to the United States. The large majority of destitute Americans on this Island,though naturalized,in most cases many years ago,have no home in the United States,but their business and homes are here.

The transportation asked for by them is for the purpose of getting to the United States without cost in order to try and secure employment there,hoping in some way to better their destitute condition here.

Referring to the telegram and to the instruction mentioned, I respectfully ask for a decision of the Department,whether transportation is to be furnished to all American citizens who desire to go to the United States or whether it is to be limited,as stated in the aforesaid telegram,to those who have

homes there.

I am,Sir,your obedient servant,

Consul General.

SOLICITOR'S
AUG 3 1897
OFFICE

Mr Adee:

The word "home" is not used in the Act. The appropriation (in the language of the resolution) is to be expended for ....."and for transporting to the United States" such destitute citizens of the United States in the Island of Cuba "as so desire and who are without means to transport themselves."

The design of the Act is to enable destitute citizens of the United States in Cuba who desire to do so, to come to the United States.

In my opinion this relief should not be limited to those who have homes in the United States.

Van Dyne.

2D ASSISTANT SECRETARY,
AUG 3 1897

Mr. Van Dyne
I take it that the Act uses home in the sense of native country, not legal domicile.
aab

2D ASSISTANT SECRETARY.
Please sign
AUG 4 1897

Mr. Cridler.
Will this do?
aab
Yes; it's good logic and common sense
I filed copy of the Resolution.

598

No. 598.

DIPLOMATIC
AUG 5 1897
BUREAU.

2D ASSISTANT SECRETARY,
Copy to Minister Hannis Taylor at San Sebastian.
Ack by subject AUG 4 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU REC'D. AUG 3 1897 DEPT. OF STATE

HABANA, July 30th, 1897.

Mr. LEE

To Legation at San Sebastian 8/6/97 C

Acknowledged. Form AUG 5 1897

TO THE

DEPARTMENT of STATE.

Case of Manuel Fernandez Chaqueilo, sentence not yet given, but case referred to Madrid.

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1 Enclosure.

740 to dp Aug 2

No. 598.

U. S. CONSULATE GENERAL.

HABANA, July 30th, 1897.

Honorable William R.Day,

Assistant secretary of State,

Washington.

Sir:

I have the honor to confirm the following telegram transmitted in cipher to-day:

"Assistant secretary of State,

Washington.

Final sentence not pronounced. Case referred to Supreme Court of War and Marine Madrid. Would not advise at present pressing for decision of the case.

(Signed) Lee".

I also transmit a translation of a communication from the Captain General to the effect that on account of his disagreement, by advice of his judge advocate (auditor), with the finding of the court martial, the case would be referred to Madrid for final sentence.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure: The Captain General to Mr.Lee, July 29th.

549

No. 599.

Enclosure No.1.

With Despatch No. 598.

H A B A N A , July 30th,1897.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

Replying to your note dated yesterday,in which,in consequence of a report published by a newspaper,relative to the pardon of the American citizen Manuel Fernandez Chaqueilo,you ask for information respecting said case in order to transmit same to your Government,supposing that he had been sentenced to death,I have to state that final sentence has not been pronounced in the cause instituted against the said individual for rebellion with arms in hand,and having differred,together with my auditor,with the sentence pronounced by the Court Martial, that cause will be referred to the Supreme Court of War and Marine,in order that it may pronounce executory sentence.

God guard you many years. Habana,29 July,1897.

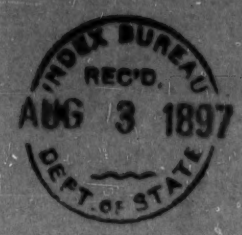
(Signed) Valeriano Weyler.

1 Enclosure.

To the Consul General of the United States.

599

No. 599.



U. S. CONSULATE GENERAL.

HABANA, July 30th, 1897.

Mr. LEE

TO THE

Alex Aug. 13/97

DEPARTMENT of STATE.

See note to Span. Minister Oct 19/97

Respecting port charges at Santiago de Cuba.

---------o---------

1 Enclosure.

No. 599.

U. S. CONSULATE GENERAL.

HABANA, July 30th, 1897.

Hon. William R. Day,

Assistant Secretary of State,

Washington.

Sir:

Referring to the last paragraph of the Department's instruction No. 412, of the 21st instant, in which my attention is called to an omission to report a Royal Order imposing a special harbor tax upon vessels entering the harbor of Santiago de Cuba, which order was published in the Gaceta of Habana on March 13th, 1897, I have the honor to state that being Consul General to Habana and not to Cuba, the imposition of a special harbor tax at Santiago de Cuba clearly concerned the Consul at that point, and it was his duty and not mine, to report it as per circular instruction from the Department. The most recent circular dated April 10th, 1897, is addressed to the "consular officers of the United States at seaports", and in the instance mentioned applies to the Consul at the seaport of Santiago de Cuba, and not to the Consul General at Habana.

I enclose herewith a copy and translation of the Royal Order referred to. I beg to call the attention of the Department to the fact that this Order does not make the specific charges of $8.50 for steamers and $4.50 for sailing vessels for entry into the port of Santiago de Cuba, as stated by Mr. Hyatt; and t that the tax of 25 cents for each ton of coal discharged from steamers, and 20 cents per ton of coal discharged from sailing vessels has been reduced to 12 1/2 cents, and 10 cents, respectively.

I am, Sir, your obedient servant,

Fitzhugh Lee

1 Enclosure. Consul General.

Enclosure No.1.

With Despatch No.599.

H B A N A, July 30th,1897.

TRANSLATION.

If From THE GAZETTE of March 13th,1897.

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PUBLIC WORKS.

The following Royal Order is communicated to His Excellency the Governor General, thorugh the Colonial Ministry, under date of the 7th February last and number 131:

"Excellency: In view of Y.E.'s communication No.1308, of the 7th November last, and the proceedings (expediente) accompanying it, relative to the authorization solicited by the Board of Harbor Works of Santiago de Cuba, for the establishment of new taxes to substitute those now in force, and to Y.E.'s suggestion respecting the convenience of establishing a simple schedule of taxes, for all the Harbor Boards of this Island, within which, each one could propose the most convenient rates, according to the circumstances of the respective localities;- In view of the favorable reports from all the Departments and Corporations that have intervened in the proceedings; Considering that the new proposed taxes are acceptable, as also the modifications, which in connection with same, have been submitted to the Chamber of Commerce of Santiago de Cuba and the consulting Board of Public Works of this Island; In conformity with Y.E.'s proposition, His Majesty the King (w.g p.) and in his name the Queen Regent of the Kingdom has been pleased to order: the approval of the new taxes proposed, on the 25th March, 1896, for the operation of the Board of Works of the port of Santiago de Cuba with the following modifications: 1st. The respective tax of

$0.25 or $0.20 on each 1000 kilograms of coal discharged from vessels, either steam or sail, is reduced to $0.12 1/2 and $0.10, respectively. 2nd. To the tax of entry (de entrada) of vessels into port, the following will be added to the heading: "Those entering in distress are exempted if they do not unload. If they unload they will pay according to the tariff; and 3rd. For the collection of the tax and in payment of the fractions of weight corresponding to each thousand kilograms, the unit of reference, for said fractions, will be one hundred kilograms, paying for each fraction according to said unit of one hundred kilograms; and that with respect to the convenience indicated by Y.E. to unify the taxes for all the Boards of Works of the harbors of this Island the General Inspection of Public Works of the Island will examine and propose what it deems most convenient in the matter.

And the observance of the above having been decreed by H.E. under date of the 25th February, by order it is published in the Gazette of Habana for general information.

Habana, March 5th, 1897.

The Secretary General. Marques de Palmerola.

Enclosure with Despatch No.599.

HABANA, July 30th, 1897.

U. S. CONSULATE GENERAL
HABANA.
ANSWERED-Send Copy to Treasury
AUG 6 1897

GACETA DE LA HABANA

Sábado 13 de Marzo de 1897

Obras públicas.

Por el Ministerio de Ultramar, con fecha 7 de Febrero próximo pasado y el número 131, se comunica al Excmo. Sr. Gobernador general, la R. O. siguiente:

«Excmo. Sr.:—Visto el oficio de V. E. número 1308, de 7 de Noviembre último, y el expediente que le acompaña, relativo á la autorización que solicita la Junta de Obras del puerto de Santiago de Cuba, para establecer nuevos arbitrios en sustitución de los vigentes, y la indicación que á la vez hace V. E. acerca de la conveniencia de establecer una relación sencilla de arbitrios, para todas las Juntas de puertos de esa Isla, dentro de la cual, pudiera cada una proponer los tipos convenientes, según las circunstancias de las respectivas localidades.—Vistos los favorables informes de todos los Centros y Corporaciones que han intervenido en el expediente:—Considerando que son aceptables los nuevos arbitrios propuestos, así como las modificaciones que acerca de los mismos han consultado la Cámara de Comercio de Santiago de Cuba y la Junta consultiva de Obras públicas de esa Isla.—De conformidad con lo propuesto por V. E., S. M. el Rey (q. D. g.) y en su nombre la Reina Regente del Reino, se ha servido disponer: que se aprueben los nuevos arbitrios propuestos, con fecha 25 de Marzo del año último, para las obras de la Junta de Obras del puerto de Santiago de Cuba, con las siguientes modificaciones:—1.ª En el carbón de piedra que tiene señalado un arbitrio de $ 0'25 ó $ 0'20 por cada mil kilogramos que descarguen los buques conductores de travesía, según sean de vapor ó de vela, se rebaja á $ 0'12½ y $ 0'10, respectivamente.—2.ª En el arbitrio de *entradas* de buques en el puerto, se agregará al encabezamiento de la propuesta lo siguiente: «Se exceptúan las de arribada forzosa, cuando no hagan operaciones de carga. Si las hicieren, pagarán según tarifa»; y 3.ª Para el devengo del arbitrio y para el abono de las fracciones de peso correspondiente á mil kilogramos *la unidad de referencia,* para dichas fracciones, será la de *cien kilogramos,* abonándose por cada fracción lo correspondiente á dicha unidad de cien kilogramos; y que respecto á la conveniencia indicada por V. E. de unificar los arbitrios para todas las Juntas de Obras de puertos de esa Isla, se estudie y proponga por la Inspección general de Obras públicas de la misma, lo que estime procedente al caso.»

Y dispuesto por S. E. su cumplimiento con fecha 25 del propio mes, de su orden se publica en la Gaceta de la Habana para general conocimiento.

Habana, 5 de Marzo de 1897.

El Secretario general,

Marqués de Palmerola.

600.

No. 600.

ANSWERED Jan
COPY TO Treasury
AUG 6 1897

U. S. CONSULATE GENERAL.

HABANA, July 31. 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Visas to Chinese Certificates.

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No. 600.

U. S. CONSULATE GENERAL.

HABANA, July 31st.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In accordance with paragraph 373 of Consular Regulations, and with reference to Instruction No.384,of June 25th,I have the honor to inform the Department that the follwing certificates issued to Chinese subjects of the exempt class,have been visaed at this office to entitle them to admission into the United States,upon the following evidence respecting each visa:-

Visa No. 298. LEE MON. 26 years. merchant.

Upon affidavit of Lee Yuk Yen,managing partner of Wing Woh Chong and Co.34 Pell St.before Frank Aiello,Notary Public,June 28.1897,attested by Clerk of Supreme Court, and visaed by D.G.Hawthorne,Deputy Colledtor,New York.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.300. YOUNG KWONG 25 years. merchant.

Upon affidavit of Lee Guy Chung,managing partner of Guy On Lung Co.43 Mott St.New York,before Frank Aiello,Notary PublicJune 21.1897,attested by Clerk of Supreme Court,and and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.301. WONG LOK 25 years. merchant.

Upon affidavit of Chin Hum Yee,managing partner of Quong Sing Chong and Co.68 Bayard St.New York,before Frank Aiello,Notary Public May 17.1897,attested by Clerk of Supreme Courtand visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.302. CHOY SHOW. 33 years. merchant.

Upon affidavit of Lee Foi,manager and partner of Wing Hin Lung and Co.5 Mott St.New York,before Frank Aiello,Notary Public,June 25.1897,attested by Clerk of Supreme Court, and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.303. WONG FOOK.Upon affidavit of Chin Hum Yee,managing partner of the firm of Quong Sing Chong and Co.68 Bayard St.New York,before Frank Aiello,Notary Public,May 17.1897,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate etc.

No. 600.

U. S. CONSULATE GENERAL.

HABANA, July 31st.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In accordance with paragraph 373 of Consular Regulations, and with reference to Instruction No.384,of June 25th,I have the honor to inform the Department that the follwing certificates issued to Chinese subjects of the exempt class,have been visaed at this office to entitle them to admission into the United States,upon the following evidence respecting each visa:

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Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

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Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.303. WONG FOOK.Upon affidavit of Chin Hum Yee,managing partner of the firm of Quong Sing Chong and Co.68 Bayard St.New York,before Frank Aiello,Notary Public,May 17.1897,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate etc.

Visa No.304. LUI HOCK. 30 years. merchant.

Upon affidavit of Ah FOON,managing member of the firm of Quong On Co.11 Pell St.New York,before James A.Donegan, Notary Public,May 21.1897,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.305. CHEUNG TING. 40 years. merchant.

Upon affidavit of Lee Kee,managinging partner of the firm of Quong Mow Wo and Co.13 Pell St.New York,before Thos. F.Meagher,Notary Public,December 6.1896,attested by Clerk of Supreme Court,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Government,Habana.

Visa No.306. LIANG HSUI 27 years. Attaché Chinese Consulate General.

The above named Chinese will sail for New York by the S.S. "Vigilancia" this day.

I am,Sir,

Your obedient servant,

Consul General.

601

DIPLOMATIC

No. 601.

AUG 9 1897

BUREAU.

2D ASSISTANT SECRETARY, Rec'd Aug. 7, 1897. AUG 8 1897

Copy Correspondence to Legation at Madrid, Containing previous instn.

U. S. CONSULATE GENERAL.

INDEX BUREAU RECD. AUG 5 1897 DEPT. OF STATE

HABANA, July 31st, 1897.

To Madrid Aug 9

Mr. LEE

TO THE

DEPARTMENT of STATE.

3rd. ASST. SECRETARY. AUG 7 1897

Relative to the "Victoria" estate.

1 Enclosure.

No. 601.

U. S. CONSULATE GENERAL.

HABANA, July 31,1897.

Hon.William R.Day,

Assistant Secretary of State,

Washington.

Sir:

With reference to my despatch No.587,of the 23rd instant, in which I transmitted copy of the protest presented to the Governor General under instruction of the Department, against the withdrawal of military protection from the "Victoria" estate,I have now the honor to accompany herewith a translation of the Governor General's reply,in which he insists that said estate fell under the prescriptions of his decree of January 30th last,because two tenants had cut cane,which although not ground in said plantation was taken to another, and thereby determined the ~~explotation~~ working States of the estate referred to.

I have sent a copy of said communication to our Consul at Sagua la Grande,to transmit to Mr.Mc.Culloch,the Adminsitrator of the "Victoria"estate.

I am,Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

Captain General to Mr.Lee,July 30.

Enclosure No. 1.

With Despatch No. 601.

H A B A N A , July 31st, 1897.

Translation.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

With reference to your official note of the 23rd instant, accompanying copy of the one which your Government has presented to the Minister of Spain at Washington, and by which you are instructed to renew your protest against my order to withdraw from the estate "Victoria", in the municipal district of Sagua la Grande, the officer and 16 soldiers of the movilized Volunteer company of said place, I have the honor to inform you that I confirm my decision communicated to you on the 22nd June last, which is in accordance with the decrees (bandos) ruling in the matter, inasmuch as there is no law compelling the establishment of detachments on the sugar estates; considering the estate referred to, as stated in my said note of the 22nd of June last, within article 3rd of the decree (bando) of the 30th January last and the order of this Department dated the 24th March last, because two tenants of the above mentioned estate have cut cane, which although they did not grind it in said plantation, they carried it to another one, thereby determining the exploitation of the estate alluded to.

God guard you many years. Habana, 30th July, 1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

602

DIPLOMATIC
AUG 9 1897
BUREAU.

No. 602.

U. S. CONSULATE GENERAL.

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HABANA, July 31st, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to sugar estate "Victoria".

---------o---------

1 Enclosure.

No. 602.

U. S. CONSULATE GENERAL.

HABANA, July 31,1897.

Hon.William R.Day,

Assistant Secretary of gtate,

Washington.

Sir:

I have the honor to transmit herewith translation of a communication received from the Governor General respecting a petition,dated July 20th,of Mr.John Mc.Culloch,as the Administrator of the "Victoria"estate,to recruit forces for the protection of said estate at its own expense in view of the near withdrawal of the forces now stationed there and paid by the Government. This communication states that a period of 30 days is allowed the estate to settle the taxes pending payment,and withholds the permission asked for until the provisions of the decree of January 30th last are complied with.

I have sent copy of said communication to our Consul at Sagua to transmit to Mr.Mc.Culloch,the Administrator of the "Victoria" estate.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure:
Governor general to Mr.Lee,July 30.

FILE

Enclosure No.1.

With Despatch No. 602. Habana, July 31st, 1897.

Translation.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

Under this date I communicate to the Military Commandant of Sagua la Grande the following:

"In view of the memorial presented with a communication dated the 20th instant by the British subject (American citizen) Mr. John Mc. Culloch, manager of sugar estate "Victoria", belonging to a North American company and situated in the municipal district of Calabazar (province of Santa Clara), soliciting permission to mobilize on his own account 21 men to be assigned to said estate in order to protect same, upon the withdrawal of the mobilized detahhment paid by the Government, which he now has there,, and whereas from your report it results that the plantation refferred to is not up to date in the payment of taxes, I have been pleased to order that a period of 30 days be granted for the payment of the taxes pending, not granting him the permission he asks, concerning the 21 men, until the compliance with the provisions of the decree (bando) of the 30th January last withdrawing the mobilized forces now existing on said estate if on the expiration of the said period he should not have complied with the above stated. By order of His Excellency the Captain General I communicate to you the above for your information and effects."

I have the honor to transmit to you the above for your knowledge.

God guard you many years. Habana, 30 July, 1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

Copy

FILE

No. 603.

U. S. CONSULATE GENERAL.

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HABANA, July 31st, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of instructions and circulars.

----------o----------

No. 603.

U. S. CONSULATE GENERAL.

HABANA, July 31st, 1897.

Honorable William R .Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions from No.386, June 26, to No.414, July 27th both inclusive.

Also of circulars, dated June 21, respecting discharge of seamen; June 28, respecting consular forms Nos.17 and 18; and June 30, vouchers for postage expenses; all of which will receive due attention.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

604

No. 604.

U. S. CONSULATE GENERAL.

HABANA, Aug. 3. 1897

Acknowledged. To Harriet T. Glynan. AUG 10 1897

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Ack'd & to inquire

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of the JAMES M.CHURCHILL claim against the Cardenas custom house.

---------o---------

One enclosure.

---------o---------

No. 604.

U. S. CONSULATE GENERAL.

HABANA, August 3rd, 1897.

Hon: William R.Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

With reference to my despatch No.564, of July 6th, relative to the claim against the Cardenas custom house of the widow of JAMES M.CHURCHILL, and the Department's instruction, No.411, of July 26th, I have the honor to transmit herewith copy of a letter from the U.S.Consul at Matanzas, and of a note received by him from the Administrator of the Public Treasury of that place.

I am, Sir, Your obedient servant,

Fitzhugh Lee

Consul General.

enclosure:

Mr.BRICE to Consul General LEE, July31st, 1897.

and note of Administrator of Public Treasury.

Enclosure No.1.

With Despatch No. 6 0 4.

H A B A N A , August 3rd,1897.

Copy.

CONSULATE of the UNITED STATES of AMERICA.

MATANZAS, July 31st,1897.

Fitzhugh Lee, Esq:

U.S.Consul General.

HABANA.

Sir:

After two interviews and two urgent communications to the Administrator of Customs of this port of Matanzas, I succeeded in obtaining a written answer concerning the JAMES M.CHURCHILL claim,which I herewith enclose for your consideration.

I would suggest to have some one here to collect this sum and empowered to receipt for same. They will not pay this until their memories are jogged up every few days. A gratuity of one third or one quarter of the amount is expected,and it will be held back with that expectation to be complied with. I hope thay may never be allowed one cent.

I am, etc,

(Signed) A.C.BRICE.

U.S.Consul.

-------o-------

Copy-translation of note referred to.

The Administrator of the Public Treasury at Matanzas, has the honor to inform the Consul of the United States that the Royal Order for the return to the widow of Mr.JAMES M. CHURCHILL,$426. amount of export duties, has been received; that the proceedings are nearly finished and he will communicate to the Consul the day upon which Mrs CHURCHILL may present herself to receive payment.

Don AGUSTIN de LASQUETTY takes this opportunity to reiterate to Mr.ALEXANDER C.BRICE,the assurances of his most distinguished consideration.

Desp. 605

No. 605

Acknowledged. Inform. To A.O. Moore AUG 10 1897

U. S. CONSULATE GENERAL.

HABANA, August 3rd ,1897.

Mr. LEE

Ask by form to inquire

TO THE

DEPARTMENT of STATE.

Inquiry as to whereabouts of GEORGE D.MOORE, supposedto have joined the Cuban insurrection.

----------o----------

No. 6 0 5.

U. S. CONSULATE GENERAL.

HABANA, August 3rd, 1897.

Hon: William R.Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

With reference to the Department's instruction No.414, of July 27th, with copy of a letter to the PRESIDENT, from Mr. A.O.MOORE, of Delphos, Ohio, inquiring as to the whereabouts of his son GEORGE D.MOORE, supposed to have joined the insurrection in Cuba, I have to say that this office has no knowledge respecting this young man, nor any means to make an enquiry in the Cuban army. Such persons frequently change their names upon joining the insurrection, but should anything be learned concerning him, or should he by any means fall into the hands of th the Spanish authorities, it is needless to say that this office will promptly do every thing possible in his favor.

I am, Sir, Your obedient servant,

Consul General.

Mr. Chilton

Acknowledged.
AUG 19 1897

2D ASSISTANT SECRETARY,
Give Gen'l Lee another
$5000 credit.
AUG 14 1897

No. 606.

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U. S. CONSULATE GENERAL.

HABANA, August 3rd, 1897.

Authorized to draw for $5000. Aug 16, 1897. H.H.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relief fund for destitute American citizens.

---------0---------

No. 606.

DEPT. OF STATE
AUG 13, 4.33 PM. 1897
CHF. CLKS. OFFICE
RECEIVED

U. S. CONSULATE GENERAL.

HABANA, August 3rd, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

On the 22nd of May last I placed $10.000 to the credit of the fund for relief of destitute Americans in two banks of this city. This amount is equivalent to $10.975, Spanish gold, and was divided equally between the two banks. I now have the honor to report that this fund is nearly exhausted. I have exercised the greatest care and economy in its distribution, and have impressed upon the agents in other parts of the Island to do likewise. As a result, some 1400 destitute Americans have been daily furnished with food and such medicines as they required for past 2 1/2 months, at an average of about 9.52/100 cents, U.S.money, for each person per day, or even a less figure, because the amount expended for transportation is taken from the amount of the general relief fund. One hundred and eleven of this class have had transportation purchased for them to various ports of the United States.

About 95% of the 1400 destitutes are naturalized American citizens who have resided here since taking out their naturalization papers, and whose homes and business are practically here. A large majority of them do not speak English and have not been back to the United States since they became naturalized and returned to this Island, the place of their birth; and by far the largest number of this class have never been in the United States at all, being the wives and children of those so naturalized.

As soon as I can get the receipts and vouchers from the

various agencies I will enclose a detailed statement of the disbursements of said fund. If the Department proposes that the relief of these citizens should continue, it will be necessary to send more money, and I suggest, that owing to the uncertainty of existing conditions, $5000 would be a sufficient amount to send at any one time.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

No. 607.

Acknowledged. AUG 10 1897

U. S. CONSULATE GENERAL.

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HABANA, August 3rd, 1897.

Mr. LEE

Reh

TO THE

DEPARTMENT of STATE.

Referring to instruction 406 of the 19th July, relative to the order of General Moncada, of June 14 last, respecting the withdrawal of protection from two American mining companies.

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1 Enclosure.

No. 607.

U. S. CONSULATE GENERAL.

HABANA, August 3rd,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

With reference to your instruction No.406,of the 19th July,relative to the order of General Moncada,of June 14 last, for the withdrawal of protection from the property of the "JURAGUA IRON COMPANY",of Philadelphia,and the "SPANISH AMERICAN IRON COMPANY",of New York,situated near Santiago de Cuba,and to your instructions to remonstrate against the carrying out of this order,I have the honor to transmit copy-translation of a communication addressed to the Governor and Captain General of the Island,under this date.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:Mr.Lee to the Governor and Captain General,Aug.3rd

Enclosure No.1.

With Despatch No. 6 07.

H A B A N A , August 3rd,1897.

Copy-translation.

CONSULATE GENERAL of the UNITED STATES.

HABANA, August 3rd,1897.

To His Excellency,

the Governor and Captain General of the Island

of Cuba, etc, etc,

Excellency:

I am instructed by my government to lay before Y.E. the following facts with respect to the affairs of the "JURAGUA IRON COMPANY", Limited, of Philadelphia, and the "SPANISH - AMERICAN IRON COMPANY", of New York, both of which companies have large mining interests on this Island near Santiago de Cuba, and both of which have filed protests in the Department of State against the withdrawal of protection from their properties by the Government in this Island. It is represented that both of these companies have responded to all the demands of the Spanish commanders, their property being within the zone of operations of the Spanish forces, and in territory controlled by them. Both companies have incurred much expense in building forts according as required by the Spanish commanders, and while observing the most absolute neutrality in the difficulties which at present disturb this Island, have sought the protection of the Spanish authorities, and aided them to extend the same within the limits of such neutrality.

But an order dated June 14th, 1897, signed by the general, chief of staff, Don LUIS MONCADA, decrees the withdrawal of all military detachments "which have no other object than the protection of estates,"--- thereby removing all protection,--- "unless the owners of estates seek or recruit mobilized troops "for the defense of the estate, not to exceed thirty men, and

"subject to the regulations, - -for the provinces of Habana "and Matanzas."- It is moreover provided that if the estates should gring,or be worked,or be cyltivated,the payment of the force recruited by the owners will be on their own account, thus constituting a private force.

It is represented on behalf of the two American companies named,that the requirements of this order impose upon them action incompatible with the position of neutrality necessarily held by them as American citizens,and the Government of the United States does not regard this position as being merely technical. The duty of the individual to observe neutrality in a foreign conflict is in kind,if not in degree,similar to that incumbent upon the Government of which the individual is a dependent. He cannot take part in the contest any more than his Government can. His Government expects that its citizens' property shall be respected and protected in every foreign country by the authorities in control. It is no part of the obligations of the Government to share in the protection of such property; and the individual owner cannot be considered as burdened with a divided responsibility which it would be impossible to divide with his Government. The decree of June 14th requires the owners of these estates to recruit an auxiliary force,officered by Spaniards and and serving as a part of the auxiliary force of Spain in connection with the execution of the Spanish campaign against the insurgents. The assumption seems to be that the obligation of Spain is merely reciprocal be tween Spain and the individual owner,leaving out of consideration the fact that the international duty of Spain is toward the Government whose citizen or subject may lawfully possess property or interests in the dominions of Spain under the guarantee of treaties,and in the instance in question , the obligation of Spain as a Government is primarily to the Government of the United States and not to the individual.

The ability to protect,coupled with a refusal to pritect,

or with the imposition of inadmissible conditions of protection does not absolve that Government from the responsibility to protect.

I am therefore instructed by my Government to represent to Y.E. that the execution of this order of June 14,1897, by withdrawing the protection which for some two years past has been accorded to the interests of citizens of the United States under the faith of treaties and in pursuance of the obligations of international law, will almost necessarily compel the abandonment of these properties and entail the ruin of interests established at great labor and cost during the recent years of tranquillity in Cuba, by inviting their destruction under circumstances which, if peace be restored, would make the rehabilitation of those estates almost impossible.

And further that the restricted operations of these two companies for the past two years, coupled with the heavy military expenses imposed upon them by the Cuban authorities have practically extinguished the profits of their undertakings, so that they are financially incapable of assuming the burden of raising an auxiliary military force to co-operate in the suppression of the rebellion, even if such a course were permissible by their duty of neutrality as citizens of a neutral and friendly state.

I must therefore, in obedience to the instructions of my Government remonstrate before Your Excellency, against the carrying out of the order referred to, and ask that the troops be restored as heretofore.

If this is not done, then in the event of their property being abandoned to destruction through the act of the authorities of this Island, on behalf of my Government and its citizens, I must protest and do hereby solemnly protest, reserving to my Government, and its citizens, all their rights in the premises.

I have the honor to be, Your Excellency's

Most obedient servant, etc,

(Signed FITZHUGH LEE.

Consul General.

Copy.

608

FILE

No.608.

U. S. CONSULATE GENERAL.

HABANA, August 3rd, 1897.

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Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of Department's telegram of July 31.

No. 608.

U. S. CONSULATE GENERAL.

HABANA, August 3rd, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's telegram, dated July 31st, reading:

"Lee, Consul General, Habana.

Urge protection American mines at Santiago as instructed July nineteenth additional instructions mailed to-day.

Adee, Acting".

I am, Sir, your obedient servant,

Consul General.

No. 609.

609

U. S. CONSULATE GENERAL.

HABANA, August 7. 1897

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AUG 11 1897
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Mr. LEE

To Madrid Nov 12

TO THE

DEPARTMENT of STATE.

Transmitting copies of protests against Spanish Government, of Mr. CHARLES BARNET, an American citizen.

Two enclosures.

No. 609.

U. S. CONSULATE GENERAL.

HABANA, August 7th, 1897.

Hon: William R. Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

I have the honor to transmit herewith copies of two protests against the Spanish Government, made before me by Mr. CHARLES BARNET, an American citizen, in which are embodied claims for indemnity for losses and damages to property belonging to his wife, and to his own personal and property interests.

I am, Sir,

Your obedient servant,

Consul General.

Enclosures:

Copies of two protests made by Mr. CHARLES BARNET.

Enclosure No. 1

With Despatch No. 609

Habana August 7, 1897.

Copy.

United States Consulate General,

Habana.

BE IT KNOWN, that on this thirty first day of July, eighteen hundred and ninety seven, before me, the undersigned, United States Consul General at Habana, personally came Mr. CHARLES BARNET y RUIZ, a citizen of the United States, to me personally known, who being first duly sworn, did declare and state as follows:-

That he is a citizen of the United States, born in Baltimore: 27 years of age: married, and that he is registered as a citizen in the Register of this Consulate General of the United States on July 2, 1888, number 4076, that he is a pharmacist by occupation, and at present residing at No. 745, Cerro, in this city.

That all the property belonging to the appearer's wife, Mrs. Mercedes Sanchez de Barnet, as detailed hereafter, has been completely burned and destroyed in the present war, by both armies, the Spanish as well as the Insurgent forces, early in the year, after the order from the Spanish Government for the abandonment of all plantations by the employees. In consequence of which the appearer and his wife are left destitute.

The "RECURSO" plantation on the Municipal district of Alquizar, Habana province, consisting of 21 caballerias (693 acres) of good land, of which one fourth part belonged to his wife, the other three parts belonging to her sisters Andrea, Mary and Mrs. Heredia. At the commencement of the present year 1,200,000 tobacco plants were cultivated in the said plantation and were ready for cutting. Besides both armies took away all the cattle worth about $8,000.00: burned all the houses,

10 in number,which were all in good condition and built of lumber.

Losses sustained as follows:-

"RECURSO" plantation-------destruction of tobacco--
$80,000.00

All the cattle,horses and mules stolen
with carts---------" 8,000.00

All the houses,of which one was of extraordinary size
and handsomely built and furnished,burnt-----"80,000.00

TOTAL $168,000.00

And this appearer doth solemnly protest against the Spanish Government in the Island of Cuba,for the losses and damages sustained by him in the fourth part of the said estate corresponding to his wife,say $42,000.00 gold,for which he doth make formal demand,and claim,for an indemnity from the Spanish Government in said amount.

(signed) Charles Barnet.

O

U.S.Consulate General,

Habana July 31.1897.

BE IT KNOWN,that on this 31st.day of July,1897,before me, the undersigned,Consul General of the United States of America, at Habana,Cuba,personally appeared Mr.CHARLES BARNET, a citizen of the United States,to me personally known to be the same person named in the foregoing document of the nature of a protest and claim against the Spanish Government,to which he hath subscribed his name,and duly sworn,deposed to the facts therein stated,which he declares to be true.

(Seal) WITNESS my hand and official seal,at Habana,this 31st. day of July,1897.

(signed) Fitzhugh Lee.

Consul General.

A true copy.

Enclosure No. 2

With Despatch No. 509

H A B A N A , August 7th, 1897.

COPY.

U.S.CONSULATE GENERAL.

HABANA, CUBA.

BE IT KNOWN that on this thirty first day of July eighteen hundred and ninety seven, before me, the undersigned Consul General of the United States at Habana, personally came and appeared Mr. CHARLES BARNET RUIZ, to me personally known, who being duly sworn, did declare and state as follows:

That he has already protested for losses sustained by his wife, Mrs. Mercedes Sanchez de Barnet, in the "Recurso" plantation, of which she is the one fourth part owner. That he owned a drug store at Paso Real de San Diego, in the Pinar del Rio province, which was completely burned and destroyed, with all its appurtenances in February, 1896, by the insurgent forces under Antonio Maceo. That he estimates his loss, as follows:

Drugs, sundries, bottles and store furniture	$8000
Furniture, clothing and household implements	"2000
	$10.000

And this appearer doth solemnly protest against the Spanish Government for the losses and damages sustained by him, aggregating $10.000, gold, for which he doth make formal demand and claim, for an indemnity equal in amount at least to the estimated value of his loss.

(Signed) Charles Barnet.

U.S.CONSULATE GENERAL.

HABANA, July 31st, 1897.

Be it known that on this 31st day of July, 1897, before me, the undersigned, Consul General of the United States of America at Habana, Cuba, personally appeared Mr. CHARLES BARNET, a citizen

No. 6 1 0.

U. S. CONSULATE GENERAL.

Acknowledged. Dft.
Gen'l Treasury
AUG 17 1897

of the United States, to me personally known to be the same person named in the foregoing document of the nature of a protest and claim against the Spanish Government, to which he doth subscribe his name, and duly sworn, deposed to the facts therein stated, which he declares to be true.

Witness my hand and official seal at Habana, this 31st day of July, 1897.

(Signed) Fitzhugh Lee,

Consul General.

A true copy:

Consul General.

No. 6 1 0.

U. S. CONSULATE GENERAL.

Acknowledged. Treas. Copy to Treasury AUG 17 1897

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HABANA, August 7th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Visas to chinese certificates.

No. 6100.

U. S. CONSULATE GENERAL.

HABANA, August 7th,1897.

Hon: William R.Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

In accordance with paragraph 373 of Consular Regulations, and with reference to Instruction No.384,of June 25th, I have the honor to inform the Department that the following certificates issued to chinese subjects of the exempt class,have been visaed at this office to entitle them to admission into the United States,upon the following evidence respecting each visa:

Visa No. 297. LEE KONG. 26 years. merchant.

Upon affidavit of Harry Lee King,managing partner of HORN,KONG LOW and CO?11 Mott St.New York,before Frank Aeillo, Notary Public,June 21st,1897,attested by the Clerk of Supreme Court,and visaed by Thos J.Dunn, Deputy Collector.

Certificate issued by Chinese Consul General and visaed by the Regional Government, Habana.

Visa No. 299. YOUNG CHONG. 30 years. merchant.

Upon affidavit of Young Lock,managing partner of Kwomg Chin Chong and Co,2 Mott St, New York, before Frank Aeillo,Notary Public,June 9th,1897,and visaed by Thos J.Dunn, Deputy Collector.

Certificate issued by the Chinese Consul General and visa by the Regional Government,Habana.

Visa No. 307. NG YEE. 36 years. merchant.

Upon affidavit of LEM LONG, member of the firm of Sng KEE and Co,15 1/2 Mott St,New York, before James Callam,Notary Public,July 13,1897,and visaed by Thos J.Dunn,Deputy Collector.

Certificate issued by the Chinese consul general, and visa by the Regional Government,Habana.

Visa No. 308. CHU HONG. 28 years. merchant.

Upon affidavit of C.S.John,member and managing partner of Hang,Lum Chun Co,4 Doyer St, New York,before James Callam,Notary Public,June 22,1897, attested by Clerk of Supreme Court,and visaed by Deputy Collector New York.

Certificate issued by Chinese Consul General and visaed by Regional Government,Habana.

Visa No. 310. WONG LOK. 22 years. merchant.

Upon affidavit of LEE KEE, managing partner of the firm of Kwong Mow Wo and Co,13 Pell St, New York, before Frank Aeillo, Notary Public,May 27th,1897,atte

ed by Clerk of Supreme Court and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by the Chinese Consul General and visaed by the Regional Government, Habana.

Visa No. 313. LEE JING. 26 years. merchant.

Upon affidavit of LEE QUAY,managing partner of Wing Ching On and Co,22 Pell St, New York,before Frank Aeillo,Notary Public,June 28th,1897,and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by the Chinese Consul General and visa of the Regional Government, Habana.

Visa No. 314. CHU KONG. 17 years. student.

Upon the affidavit of Chu Me Tot,managing partner of Lun Chong and Co,30 Mott St, New York,before Frank Aeillo, Notary Public,July 1st,1897,attested by the Clerk of Supreme Court, nad visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government, Habana.

Visa No. 315. CHU HOM. 18 years. student.

same as the preceding .

Visa No.318. CHEY KOM. 28 years. merchant.

Upon the affidavit of Chiu You,managing partner of Wing Ching On Co,22 Pell St, New York,before Frank Aeillo, Notary Public,May 20th,1897,attested by the Clerk of Supreme Court,and visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government,Habana.

The foregoing 9 chinese sailed on the 5th instant,by the S.S?"SEGURANCA", bound to New York.

Visa No. 311. LEE YIT. 22 years. merchant.

Upon the affidavit of Lee B.Lok,managing partner of Sun Kwong On and Co,21 Mott St,New York,before Frank Aeillo,Notary Public,July 9th,1897,attested by the Clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General andnvisaed by the Regional Government,Habana.

Visa No. 312.SING. LEE SING. 23 years. merchant.

Upon the affidavit of Yuen Ling,member and partner of Kwong Mow Wo and Co,13 Pell St, New York,before Frank Aeillo, Notary Public,June 28th,1897,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government, Habana.

Visa No. 316. LUNG WING. 28 years. merchant.

Upon affidavit of YOUNG LOCK, managing partner of the firm of KWONG CHING CHONG and CO, 2 Mott St, New York, before Frank Aeillo, Notary Public, July 12th, 1897, an visaed by Thos J.Dunn, Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Government, Habana.

Visa No. 317. LUNG WAH. 26 years. merchant.

same as the preceding.

The above named 4 chinese will sail today by the S.S. "YUMURI", bound to New York.

I am, Sir,

Your obedient servant,

Consul General.

Copy.

Wu
105
ch

Grace Lo Forley

30

INDEX BUREAU
REC'D.
AUG 9 1897
DEPT. OF STATE

TELEGRAM RECEIVED.

From Havana

August 9th, 189 7

Assistant Secretary State

Washington D C

Received 1 25 P.M.

Continued.
AUG 23 1897

Ira C. Farley of Massachusetts captured ~~turned~~ over to me to send out island [says formerly travelled for Admiral Cigarette Company New York]

Lee

Note: See Judge Day's letter to me of Aug 7 1897. and my reply of August 10 – in regard to this case. Whatever else is received from Mr Lee give To Mr T. S. Farley of Cleveland, Ohio.

J. W. C.

WY-

TELEGRAM RECEIVED

Confirmed AUG. 14 1897

WY
7
Ch
23 U.S. Govt

From Havana

August 10, 1897.

Received 2 15 P M.

Dept Secy of State
Washington

Matanzas Consul reports arrest american citizen Emilio Dominguez and wife former with arms in hand.

Lee

CONSULAR BUREAU

AUG 11 1897

Department of State.

611

No. 611.

INDEX BUREAU
REC'D.
AUG 16 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, August 10th, 1897.

Mr. LEE

Acknowledged.
AUG 25 1897
Enclosure to Aug. 19, 1897

TO THE

DEPARTMENT of STATE.

Transmitting a copy of the Prices Current of Habana Cigar Factories, corrected to July 1897.

----------o----------

3 (-9 1896

No. 611.

U. S. CONSULATE GENERAL.

HABANA, August 10th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to transmit herewith a copy of the Prices Current of Habana Cigar Factories, corrected to July 1897.

Will you please ascertain if the Treasury Department will require any number of copies as has been customary, in order to forward same, as was done last year in compliance with the Department's instruction No.53, of August 5th, 1896.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

Copy of Prices Current of Habana Cigar Factories.

Cuba

Havana

Copy

Form 1516.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

ALL CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. Waterloo St.
BRISTOL: Backhall Chambers.

Confirmed AUG 14 1897

RECEIVED at Washington.D.C. Aug 11th 1897 189

19Z A WS 27 U S Govt Havana

August 11 Assistant Secretary of State

Wash'n DC

George Samuel Newton American reported captured near Baracoa Beach Pinar del Rio province wounded with arms in hand

Lee

430PM

Copy. 612

No. 612.

FILE

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
AUG 16 1897
DEPT. OF STATE

HABANA, August 11th, 1897.

//

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming two telegrams.

No. 612.

U. S. CONSULATE GENERAL.

HABANA, August 11th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to confirm the following telegrams:

"Habana, Aug.9, 1897.

Assistant secretary State,

Washington, D.C.

Ira C.Farley, of Massachusetts, captured, turned over to me to send out Island. Says formerly travelled for Admiral Cigarette Company New York.

(Signed) Lee".

"Habana, Aug.10th, 1897.

Assistant Secretary State,

Washington, D.C.

Matanzas Consul reports arrest American citizen Emilio Dominguez and wife, former with arms in hand.

(Signed) Lee".

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

613

No. 613.

Acknowledged. Torres. AUG 21 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU REC'D. AUG 18 1897 DEPT. OF STATE

HABANA, August 11th, 1897.

Mr. LEE

3rd. ASST. SECRETARY AUG 27 1897

TO THE

DEPARTMENT of STATE.

Arrest at Guines of the American citizen PEDRO MANUEL HERNANDEZ.

---o---

1 Enclosure.

No. 613.

U. S. CONSULATE GENERAL.

HABANA, August 11th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington,D.C.

Sir:

With reference to my telegram of the 29th ultimo, confirmed by despatch No.595 of same date, reporting arrest at Güines on the 27th of same month, of American citizen PEDRO MANUEL HERNANDEZ, I have the honor to state that having asked for the charges against him and demanded that his treaty rights be accorded him, I have received a letter from the Acting Captain General, copy-translation of which I beg to enclose, informing me that the proceedings in the case have been asked for by telegraph to Guines, and that as soon as received the result of same will be communicated to me.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure: The Acting Captain General to Mr.Lee, Aug.6th.

FILE

No. 614.
Enclosure No. 1 of 5 in
With Despatch No. [illegible] CONSULATE GENERAL.
H A B A N A , August 11, 1897. HABANA, August 11th, 1897.

TRANSLATION.

PERSONAL.

The LIEUTENANT GENERAL, Commander in Chief of the Western Corps of the Army of Operations in Cuba.

To the Consul General of the United States.

Habana, 6 August, 1897.

My dear Sir:

I have the pleasure of answering your polite note of yesterday informing you that as soon as your communication relative to Pedro Manuel Hernandez was received at this Captaincy General, the proceedings which have caused his arrest were asked for by telegraph to Guines, and I will soon be able to communicate to you the result.

I am, etc. etc.

(Signed) El Marques de Ahumada.

Copy.

FILE

No. 614.

U. S. CONSULATE GENERAL.

INDEX BUREAU
RECD.
AUG 18 1897
DEPT OF STATE

HABANA, August 11th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledging receipt of instructions.

No. 514.

U. S. CONSULATE GENERAL.

HABANA, August 11th, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions from No. 415, July 29, to No. 427, August 6th, 1897.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

CONSULAR BUREAU

Conf.

TELEGRAM RECEIVED.

Confirmed AUG 14 1897

INDEX BUREAU RECD. AUG 12 1897 DEPT. OF STATE

From Havana

Aug 12th, 1897.

Received 4 N. P.M.

Secretary State
Washington

2D ASSISTANT SECRETARY Consulate Gen'l Cable Room Telegram of Aug 12 Rec'd at Dept. of State AUG 13 1897

Am sure Newton will be granted all privileges he is entitled to

Lee

Conf.

Habana.

August 12. 97

Confirmed AUG 14 1897

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

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LIVERPOOL: A5 Exchange Buildings.
GLASCOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

ASST. SECRETARY. AUG 13 1897

(Cnt 5) 21 W

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
24 3	Os am		18 Us. Govt	Havana aug 12th

RECEIVED at Washn Dc 5 22 p aug 12 1897

Secretary State, Washn

Hidalgo is a Spanish subject was confined Cabanas afterwards sent Isle Pinos.

Lee

Note Barrett. Aug 13. 97

Copy.

No. 615.

2D ASSISTANT SECRETARY,
Ack. Aug. 23 97.
AUG 23 1897

INDEX BUREAU
REC'D.
AUG 18 1897
DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, August 12,1897.

Mr. LEE

T. Spain Aug. 25.

TO THE

DEPARTMENT of STATE.

Ownership of estate "Unidad".

1 Enclosure.

No. 615.

U. S. CONSULATE GENERAL.

HABANA, August 12th, 1897.

Hon. William R. Day,

Assistant Secretary of State,

Washington.

Sir:

With respect to the ownership of the sugar plantation "Unidad", I transmit herewith a certificate from the Register of Deeds at Santa Clara, with a translation, furnished by Mr. John Mac Culloch, the Administrator and part owner of said plantation

1/2

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

Certificate of ownership of "Unidad" estate and translation.

FELIPE SILVA Y GIL
ABOGADO
SANTA CLARA

SELLO 11º Aº 1896 y 97
50 C. DE PESO

N.O. 112.763

Enclosure No 1
With Dispatch No 615. Aug 12/97

Sr Registrador de la Propiedad

Ldo D Jelipe Silva y Gil de este vecindario, mandatario verbal de Don Juan Mac Culloch á VS. espone: que para usos que convienen á su mandante necesita que se certifique á continuacion en relacion, á nombre de que personas y en que proporcion se halla inscrito el ingenio de elaborar azucar denominado "Unidad" en el Termino de Calabazar, de su logro.

Suplico á VS. le espida dicho atestado por ser de justicia que pide. Stª Santa Clara dos de Agosto de 1.897.

Jelipe Silva

Don José Benito Perez de Alejo y Chaviano, Registrador de la Propiedad de este Distrito Judicial.

Certifico: que habiendo acudido el Lcdo Don Jelipe Silva y Gil, de este vecindario, mandatario verbal de Don Juan Mac-Culloch, solicitando certificacion en relacion en que conste á nombre de que personas y en que proporcion se encuentra inscrito la finca ingenio "Unidad" del Ayuntamiento de Calabazar, he examinado los libros de este Registro y de ellos aparece: Que el ingenio de elaborar azucar titulado "Unidad", antes "Bermejal" enclavado en las haciendas Magdalena, Caulao y Viana, término Municipal de Calabazar, compuesta de sesenta

caballerias de tierra equivalentes á ochocientas cinco hectáreas, veinte y una areas y catorce centiáreas lindante por el Este con el camino publico de Viana á la Magdalena, al Oeste con el ingenio "Vista hermosa" de la viuda de Mesa, ingenio "Recurso" de Rodriguez y Villar y el rio titulado "Blanco" que atraviesa la finca de Este á Oeste, por el Norte con vereda de Sitio grande y por el Sur con potrero de Don Manuel Acosta y D. Pablo Lorenzo Ramos y sitios de labor de Don Esteban y Don Manuel Cruz y Don Carlos Molian, se halla inscrito actualmente á favor de Don Juan, Don Roberto, Doña Ana, Doña Maria y Don Hugo Mac-Culloch y Marshall, en esta proporcion: los dos primeros ó sean Don Juan y Don Roberto cinco octavas partes proindivisas, en plena posesion de cincuenta y nueve caballerias de las sesenta del area de dicha finca, una octava cada uno por herencia intestada de su padre Don Hugo Mac-Culloch y Fleming, segun la cuenta de division, particion y adjudicacion de los bienes quedados al fallecimiento del inmediato, protocolada en seis de Abril de mil ochocientos ochenta y siete ante el Notario de Sagua la Grande Don Calixto Maria Casals, inscrita al folio cincuenta y cuatro del tomo segundo del Ayuntamiento de Calabazar, finca numero cincuenta y siete inscripcion sesta, y tres octavas partes por compra á Doña Ana Mac-Culloch de Asent, segun escritura otorgada en Sagua la Grande en veinte y cuatro de Mayo de mil ochocientos ochenta y seis ante el citado Notario Casals, inscrita al folio cincuenta y seis del tomo segundo del Calabazar, finca numero cincuenta y siete inscripcion octava; las tres octavas partes proindivisas restantes, en plena

posesion, de cincuenta y nueve caballerias en favor de los otros condueños los espresados Dña Ana, Doña Maria y Don Hugo Mac-Culloch y Marshall por el indicado titulo de herencia de su padre Don Hugo Mac-Culloch y Flemmg; y el dominio pleno de la caballeria completo de las sesenta del area de la espresada finca por quintas é iguales partes en favor de todos los mencionados Don Juan, Don Roberto, Doña Ana, Doña Maria y Don Hugo Mac-Culloch y Marshall igualmente por herencia de su indicado padre é inscripta en las demas participaciones al folio cincuenta y cuatro del tomo segundo de Calabazar, finca numero cincuenta y siete, inscripcion sesta citada. Y para entregar al peticionario expido la presente. Santa Clara dos de Agosto de mil ochocientos noventa y siete. -

Hay ocho palabras testadas por el Interesado

José Benito Perez

Enclosure No. 2.
With Despatch No. 615.
H A B A N A, August 12 1897.

Translation.

To the Register of Deeds:

The Licentiate Don Felipe Silva y Gil, a resident of this city, as representative of Don Juan Mac Culloch states to you as follows: that for certain purposes convenient to his constitutent he requires a certified list of the persons, in the name of whom and in what proportion is inscribed the sugar estate "Unidad, situated in the district of Calabazar.

I beg you will please issue same etc. Santa Clara, 2nd of August, 1897.

(Signed) Felipe Silva.

Don JOSE BENITO PEREZ de ALEJO y CHAVIANO, Register of Property of this Judicial District.

I certify: that the Licentiate Don Felipe Silva y Gil of this city, having appeared as representative of Don Juan Mac Culloch, requesting a certified list of the persons in whose names, and in what proportion, is the sugar estate "Unidad", belonging to the municipality of Clabazar, registered, I have examined the books of this office and it appears: that the sugar estate called "Unidad, formerly "Bermejal", situated in the "Magdalena, Caunao and Viana plantations (haciendas), municipality of Calabazar, composed of sixty caballerias of land, equivalent to 805 hectares, 21 areas and 14 centiares bordering on the East with the high road from Viana to the Magdalena, on the West with the sugar estate "Vista Hermosa", belonging to the widow of Mesa, estate "Recurso", of Rodriguez y Villar, and the river called "Blanco", which crosses the plantation from East to West, on the North with the Sitio Grande road,, and on

616

No. 616.

the South with the potrero (grazing farm) of Don Manuel Acosta and Don Pablo Lorenzo Ramos, and small farms of Don Esteban and Don Manuel Cruz and Don Carlos Milian, is (the "Unidad" estate) at present registered in favor of Don Juan, Don Roberto, Doña Ana, Doña Maria and Don Hugo Mac Culloch y Marshall, in the following proportion: the two first named, namely: Don juan and Don Roberto five eighths proindivisa, in full possession of fifty nine caballerias of the sixty of the area of said estate, one eighth each by inheritance from their father Don Hugo Mac Culloch y Fleming, according to the account o of division, partition and adjudication of the estate of the latter filed on the sixth of April, 1887, before the Notary of Sagua la Grande, Don Calixto Maria Casals, registered on page 54 second volume of the Municipality of Calabazar, , estate No. 57, sixth inscription, and three eighths by purchase from Doña Ana Mac Culloch de Asent, according to a deed executed at Sagua la Grande on the 24th May, 1886, before the said Notary Casals, inscribed on page 56, second volume of Calabzar, estate number 57, eigth inscription; the remaining three eighths proindivisas in full possession, of 59 caballerias in favor of the other part owners, namely Doña Ana, Doña Maria and Don Hugo Mac Culloch y Marshall for the aforesaid title of inheritance of their father Don Hugo Mac Culloch y Fleming, and the full dominion of the caballeria composed of sixty areas of the aforesaid estate in five equal parts in favor of the above mentioned Don juan, Don Roberto, Doña Ana, Doña Maria and Don Hugo Mac Culloch y Marshall, also by inheritance from their aforesaid father and inscribed in the other partitions on page 54, second volume of Calabazar, estate number 57, sixth inscription mentioned. I issue the present for delivered to the petitioner.

Santa Clara, 2nd August, 1897.

(Signed) Jose Benito Perez.

Seal of the office
of Register of Deeds.

616

No. 616.

3rd. ASST. SECRETARY.
AUG 21 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
AUG 18 1897
DEPT. OF STATE

HABANA, August 12,1897.

Acknowledged.
AUG 24 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to the application of Mr.Ramon de Zayas Bazan, in Puerto Principe, for transportation to the United States.

1 Enclosure.

No. 616.

U. S. CONSULATE GENERAL.

HABANA, August 12,1897.

Hon.William R.Day,

Assistant Secretary of State,

Washington.

Sir:

With respect to the Department's instruction No.420,of August 4,and copy of a letter from Mr.William C.Ferguson,of Philadelphia,in regard to the transportation to the United States of Mr.Ramon de Zayas Bazan,at present at Puerto Principe on this Island,I have to state that on the 30th June,I replied to a letter from Mr.Ferguson dated June 21st,on the subject of Mr.Bazan's relief,to the effect that he should take advantage of this opportunity offered by the Government for a free passage to Philadelphia,that I had no authority to use the Cuban relief fund for the transportation of citizens from one point of the Island to another,or to Habana,although permitted to pay the passage from this place of those destitute Americans who desired to return to their homes in the United States.
I also later wrote to the same effect to Mr.Zayas Bazan.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure: Mr.Lee to Mr.Ferguson,June 30th,1897.

617

Desp. Aug. 19, 97

No. 617.

Enclosure No.1.

With Despatch No.616.

U. S. CONSULATE GENERAL.

AUG 19 1897

H A B A N A , August 12,1897.

August 12,1897.

COPY.

U.S.CONSULATE GENERAL.

Mr. LEE HABANA ,June 30,1897.

Acknowledged. AUG 19 1897

TO THE

Wm.C.Ferguson,Esq., DEPARTMENT of STATE.

1701 North 72nd street,

Philadelphia.

Sir:

I am in receipt of your letter of June 21st,respecting the case of Mr.Ramon de Zayas Bazan,in Puerto Principe.

I had already received a letter on the subject of Mr. Zayas Bazan's relief,in which he expressed his desire to have his travelling expenses paid by our Government to Philadelphia. But I have no authority to use the funds of the Cuban relief for the purpose of transportation of citizens from one point of the Island to another or to Habana,although permitted to pay the passage of those destitute Americans who desiredtto return to their homes in the United States.

I am,Sir,your obedient servant,

(Signed) Fitzhugh Lee,

Consul General.

Copy. 617

Ackd. Aug. 19, 97

No. 617.

U. S. CONSULATE GENERAL.

3rd. ASST. SECRETARY.
AUG 19 1897

INDEX BUREAU
REC'D.
AUG 18 1897
DEPT. OF STATE

HABANA, August 12, 1897.

Mr. LEE

Acknowledged.
AUG 19 1897

TO THE

DEPARTMENT of STATE.

Relative to applications for leave of absence from the Consuls on this Island.

---o---

No. 617.

U. S. CONSULATE GENERAL.

HABANA, August 12th, 1897.

Hon. William R. Day,

Assistant Secretary of State,

Washington.

Sir:

Private advices from the different Consulates on the Island give me the information that the American Consuls are all more or less sick, and unable to attend to their official duties. I believe it has been the custom of the Department, in consequence of the trying and unusual climatic conditions which prevail here, to grant such Consuls 60 days leave of absence in the year, and I believe, further, that this leave has generally been granted during the summer months, because during that period the wet and sickly season prevails.

In this way these officers acquire new health which enables them to perform their functions another year. While this is a matter with which I have nothing to do, except in a general way, I would respectfully suggest that the applications for leave of absence already made by these gentlemen be taken up again and favorably considered.

If it is the intention of the Department to make other appointments in their places, their leaves might be granted for a definite period, or until their successors were appointed.

Of course they should be instructed, so long as they held their position, not to talk about the existing affairs on the Island, but to confine whatever knowledge they might possess to official statements made to the Department.

In case of any sudden and decisive change in the existing condition of Cuba, I respectfully submit that the crisis could better be handled in their respective sections by live, acting

Consuls,rather than by sick Consuls,some of them being now confined to their beds.

I am,Sir,your obedient servant.

Fitzhugh Dall

Consul General.

Dupl. 618

No. 618.

Acknowledged.
AUG 19 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
AUG 18 1897
DEPT. OF STATE

HABANA, August 12.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Release of Mrs.Dominguez.

----------O----------

One enclosure.

----------O----------

No.618.

U. S. CONSULATE GENERAL.

HABANA, August 12.1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to my telegram of the 10th.instant,in which I reported the arrest at Matanzas of the American citizens,Emelio Dominguez and wife,I have a letter from our Consul at that place,of which I enclose copy,that Mrs.Dominguez has b been released,after having suffered considerably during the time she was under arrest.

I am,Sir,

Your obedient servant,

Consul General.

Enclosure:-

Mr.Brice to Mr.Lee,August 12.1897.

Enclosure No. 1

With Despatch No. 618.

Habana August 12.1897.

---

copy.

Consulate of the United States of America,

Matanzas August 11.1897.

Fitzhugh Lee, Esquire,

U.S.Consul General, Habana.

Sir:-

I have the honor to inform you that Mrs.Dominguez was released from jail (solitary confinement) last evening. Her arrest and imprisonment was an outrage and uncalled for.

I have just returned from her home, found the poor lady in bed, suffering from nervous prostration and half-crazed from the inquisitional ordeal of Spanish officials.

She has quite a wound in her throat inflicted by herself (while crazed from the shock) with a caseknife sent in with her food. I cheered her up, and gave her to understand no harm would come to her husband.

She will not be able to give a satisfactory declaration for several days.

I am,

Your obedient servant,

(signed) A.C.Brice

U.S.Consul.

----------O----------

Copy

INDEX BUREAU
REC'D.
AUG 13 1897
DEPT OF STATE

Enclosed
AUG 14 1897

Habana,
Aug. 13. 1897

Form No. 1516.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

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THOS. T. ECKERT, President and General Manager.

DEPT OF STATE
AUG 13 3.07 PM 1897
CHF CLKS OFFICE
RECEIVED

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
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GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

RECEIVED at Washington.D.C. Aug 13th 1897 189

213

19 Z A WS 17 U S Govt Havana

Aug 13 Secretary State

Wash'n D C

Referring to your telegram twelfth instant report Newton is released

Lee

235PM

619

Copy.

No619.

Acknowledged. formal
AUG 21 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
AUG 17 1897
DEPT. OF STATE

HABANA, August 14th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams respecting GEORGE SAMUEL NEWTON.

Has been released.

-----o------

One enclosure.

-----o--------

No. 619.

U. S. CONSULATE GENERAL.

HABANA, August 14th,1897.

Hon: William R.Day,

Assistant Secretary of State.

Washington. D. C.

Sir:

I append for confirmation copies of telegrams ,respecting the reported capture by the Spanish troops,of the insurgent captain,GEORGE SAMUEL NEWTON,an American citizen; and also transmit copy of a communication from the Captain General, stating that NEWTON had been placed at liberty for having presented himself, or surrendered near Baracoa.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:
General WEYLER to Consul General LEE, August 12th,1897.

TELEGRAMS.

Habana, August 11th

Assistant Secretary of State.
Washington. D.C.

George Samuel Newton,American,reported captured near Baracoa beach,Pinar del Rio province,wounded with arms in hand.

(Signed) LEE

- o -

Washington,August 12,1897.

Lee,Consul General.
Habana.

Urgently watch NEWTON'S case,securing for him all rights under treaty and protocol if citizen.

(Signed) SHERMAN.

Over.

Habana, August 12,1897.

Secretary State.
Washington. D. C.

Am sure NEWTON will be granted all privileges he is entitled to.

(Signed) LEE.

-----o-----

Habana, August 13.1897.

Secretary of State.
Washington. D. C.

Referring to your telegram twelfth instant, report NEWTON is released.

(Signed) LEE.

-----o-----

Enclosure No.1.

With Despatch No. 619.

H a b a n a . August 14th,1897.

Translation.

ARMY of the Island of Cuba.

Office of the Captaincy General.

Chief of Staff.

To the United States Consul General.

Habana.

Sir:

The so-called insurgent captain,Mr.GEORGE NEWTON,an american citizen,has been placed at liberty for having presented himself to the column of the Lst Battalion of Cuba,near Baracoa Which I beg to inform you in reply to your note of yesterday.

God guard you many years.

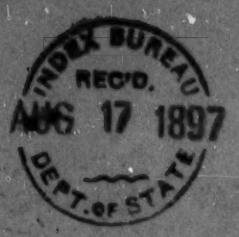
Habana, August 12th,1897.

(Signed) Valeriano Weyler.

No. 6 2 0.

Acknowledged.
To J.R.Judkins
AUG 19 1897

U. S. CONSULATE GENERAL.



HABANA, August 14,1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of JOHN R. JUDKINS.

----------0----------

Dr. J.R. Judkins
July 30/97

No.6 2 0.

U. S. CONSULATE GENERAL.

HABANA, August 14.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the Department's instruction No.425 of August 5th.,making inquiry concerning JOHN R. JUDKINS,a physician of Blancherter,Ohio,who it appears came to Cuba in 1892, and from whom no letters have been received since the beginning of the Insurrection,I have to state that this office has no knowledge regarding such a person,nor does his name appear in the Register of American citizens.

Inquiries will be made,and such facts as may be obtained promptly reported.

I am,Sir,

Your obedient servant,

Consul General.

621.

Bayard.

No. 621.

3rd. ASST. SECRETARY.
AUG 19 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU
RECD.
AUG 17 1897
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HABANA, August 14.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Confirming telegrams.

----------0----------

No.6 2 1.

U. S. CONSULATE GENERAL.

HABANA, August 14.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge receipt of the following telegram:-

Washington August 12.1897

American Consul General,Habana.

Informed Ramon Hidalgo,American citizen,arrested Cienfuegos July twenty eight,now incomunicado Cabaña Fortress,Habana. Report facts.

(signed) Cridler.

and to confirm my telegram in reply:-

Habana August 12.1897.

Secretary State,Washington.

Hidalgo is a Spanish subject. Was confined Cabaña, afterwards sent to Isle of Pines.

(signed) Lee.

I will add that Hidalgo's offense consisted in having written jointly with ex-Judge Barroeta of Santa Clara,a pamphlet attacking General Weyler,and the Spanish Government in General.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Copy.

No. 6 2 2.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
AUG 19 1897
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HABANA, August 14.1897.

Mr. LEE

ANSWERED Telegraphically.
COPY TO Treasury.
AUG 21 1897

TO THE

DEPARTMENT of STATE.

Visas to Chinese certificates.

----------0----------

No. 6 2 2.

U. S. CONSULATE GENERAL.

HABANA, August 14.1897.

Honorable R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In accordance with paragraph 373 of Consular Regulations, and with reference to instruction No.384,of June 25th.,I have the honor to inform the Department that the following certificates issued to Chinese subjects of the exempt class,have been visaed at this office to entitle them admission into the United States,upon the following evidence respecting each visa.

Visa No. 319. LEE MAU. 45 years. merchant.

Upon affidavit of Lee Youy Ling,managing partner of h the firm of Wing Wo Hing Co.36 Pell St.New York,before Walter E.Bird,Notary Public,June 24.1897.and visaed by D.G.Hawthorne,Deputy Collector ,N.Y.

Certificate issued by Chinese Consul General and visaed the Regional Goverment,Habana.

Visa No. 320. HOM TON. 24 years. merchant.

Upon the affidavit of Moy Len,member of firm of Yee Hing Co.20 Pell St.N.Y.before Frank Aiello,Notary Public,May12.1897,and visaed by Thos.J.Dunn,Deputy Collector.

Certificate issued by Chinese Consul General and visaed by the Regional Goverment.

Visa No. 321. LEE SEONG. 22 years. merchant.

Upon affidavit of Lee Foi,managing partner of Wing Hing Lung and Co.5 Mott St.N.Y.,before Jacob Finkelstein,Notary Public,July 23.1897,attesteded by Clerk Supreme Court,and visaed by D.G.Hawthorne,Dy. Coll.

Certificate issued by Chinese Consul General and visaed by the Regional Goverment

Visa No. 322 LOUIE KIN. 25 years. merchant.

Upon affidavit of Lee Foi,member of firm of Wing Hing Lung and Co,5 Mott St,Newx York,before Jacob Finkelstein,Notary Public, July 23rd,1897,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector,New York.

Certificate issued by Chinese Consul General and visaed by the Regional Goverment.

Visa No.323. YOUNG CHONG 24 years. merchant.

Upon the affidavit of Lee Bing Kee,manager of the firm of Hing Kee Co.18 Mott St.New York,before Frank Aiello,Notary Public,June 26.1897,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Goverrment,Habana.

Visa No.324. CHIN LOY. 29 years. merchant.

Upon affidavit of Chung Chu King,treasurer and partner of Kwong Lung Jin and Co.22 Mott St.New York, before Frank Aiello,Notary Public,July 8.1897,and visaed by Thos.J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Goverrment,Habana.

Visa No.325. CHOW SEE. 24 years. merchant.

Upon affidavit of Ng Hong Fon,managing partner of Wing On and Co.12 Pell St.New York,before Jacob Finkelstein,Notary Public July 24.1897,attested by Clerk Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector.

Visa 329. CHU GUNG. 26 years. merchant.

Upon affidavit of C.L.John,member of firm of Hang Lum Chum and Co.4 Doyer St.N.Y.before James Callam, Notary Public July 29.1897,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Goverrment,Habana.

Visa No.334. CHUNG PARH. 27 years. merchant.

Upon affidavit of Chung Chu King,treasurer and partner of Kwong Lung Jin and Co.22 Mott St.N.Y.before Frank Aiello,Notary Public July8.1897,and visaed by Thos J.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Goverrment,Habana.

Visa No.335. WONG DAK. 35 years. merchant.

Upon affidavit of Lee Guy Chun,managing partner of Guy On Lung and Co.43 Mott St.N.Y.before Walter E. Bird,Notary Public July 22.1897,attested by Clerk Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector,New York.
Certificate issued by Chinese Consul General and visaed by the Regional Goverrment,Habana.

Visa No.336. WONG WING. 24 years. merchant.

Upon affidavit of Lum Drick Hong,managing member of Sun Kee and Co.15 Pell St.N.Y.before Walter E.Bird, Notary Public May 25.1897,attested by Clerk Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector.

Visa 337. CHOW SAM. 35 years. merchant.

Upon affidavit of Ng Hong Fon,managing partner of firm of Wing On and Co.12 Pell St.N.Y.before Jacob Finkelstein,Notary Public July 22.1897,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne, Deputy Collector,New York.
Certificate issued by Chinese Consul General and visaed by the Regional Goverrment,Habana.

The Above named Chinese sailed by Steamer "Concho",on the 12th.instant,bound to New York.

Visa No.338. LEE YANG JOE. 23 years. merchant.

Upon the affidavit of Chin You,managing partner of Wing Chung On and Co.22 Pell St.N.Y.before Frank Aiello,Notary Public July 15.1897,anddvisaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General and visaed by the Regional Governmment,Habana.

Visa No.339. CHIN HONG. 32 years. merchant.

Upon affidavit same as the previous one.
Certificate issued by Chinese Consul General,and visaed by the Regional Governmment,Habana.

Visa No.342. FONG AH LIN. 30.years. merchant.

Upon affidavit of Lee Hong,managing partner of firm of Sang Chong and Co.28 Mott St.N.Y.before Frank Aiello July 9.1897,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regiomal Governmment,Habana.

Visa No.343. TONG ONG. 26 years. merchant.

Upon affidavit same as the preceeding one.
Certificate issued by Chinese Consul General,and visaed by the Regional Governmment,Habana.

Visa No.344. LEE SANG. 25years. merchant.

Upon affidavit of Lee Tick You,managing partner of firm of Wing Woh Chong and Co.34 Pell St.N.Y.before Jacob Finkelstein,Notary Public July 26.1897,visaed by Thos.G.Dunn,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Governmment,Habana.

Visa No.345. LEE DIP. 25 years. merchant.

Upon affidavit of Young Lock,member and manager of firm of Kwong Chin Chong and Co.2 Mott St.N.Y.before Jas.Callam,Notary Public,and visaed by D.G.Hawthorne, Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by the Regional Governmment,Habana.

Visa No.346. CHIN GEE SEE. 27 years. merchant.

Upon affidavit same as the preceeding one.
Certificate issued by the Chinese Consul General,and visad by the Regional Governmment,Habana.

The foregoing 7 Chinese will sail today by the steamer "Seneca" bound to New York.

I am,Sir,

Your obedient servant,

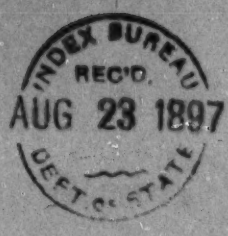
Consul General.

Copy.

623

No. 623.

U. S. CONSULATE GENERAL.



HABANA, August 18.1897.

18

Mr. LEE

TO THE

DEPARTMENT of STATE.

Arrest of Mr.and Mrs.DOMINGUEZ.

----------0----------

No. 6 2 3.

U. S. CONSULATE GENERAL.

HABANA, August 18.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the arrest of Mr.EMELIO DOMINGUEZ GENER, and wife,which I reported in my telegram of the 10th.instant, I have the honor to inform the Department that upon the statement of our Consul at Matanzas that DOMINGUEZ was registered in his office,I addressed the superior authority on the 11th. instant asking to be informed of the causes of his arrest,and claimed for him all the rights to which he was entitled under the treaty and protocol as an American citizen.

In my despatch No.618 of August 12th.I reported Mrs. DOMINGUEZ' release.

On the 14th.instant I received the Department's instructiom No.429,with enclosures,relative to this case,stating that Mr. DOMINGUEZ had given up his formerly acquired rights as an American citizen,and inquiring if possibly something might not be done un-officially to save his life.

From the reply of the Captain General to my communication, it appears that the preceedings have been sent to the fiscal, or prosecuting officer,to determine if the cognizance of the case pertains to the ordinary jurisdiction,in accordance with the protocol of January 12th.1877,and I would be duly informed of the result.

At present writing this has not been received.

I am,Sir,Your obedient servant,

Fitzhugh Lee

Consul General.

No. 624.

Enclosure No.1. -
With Despatch No. 623.
HABANA, August 18th, 1897.-

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL. STAFF.

Having received the summary proceedings instituted against the prisoner of war Don EMilio Dominguez Gener, so-called administrator of finance of Matanzas, whom you state is an American citizen, and others, under this date I forward same to the prosecutor (fiscal) in order to resolve whether its cognizance pertains to the ordinary jurisdiction, in accordance with the Protocol of 12th January, 1877, and in due season I will communicate to you the result in answer to your note of the 10th instant.

God guard you many years. Habana, 14 August, 1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

Copy.

Filed Dec. 1897

No. 624.

3rd. ASST. SECRETARY. AUG 27 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU RECD. AUG 23 1897 DEPT. OF STATE

HABANA, August 18. 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Forwarding despatch from the Consul at Santiago de Cuba.
Statement regarding the Relief Fund.

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Enclosures.

No. 6 2 4.

U. S. CONSULATE GENERAL.

HABANA, August 18.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

6

Sir:-

In forwarding this despatch No.390 from the Consul at Santiago de Cuba,I have only to add that the Relief Fund being placed solely in my hands,with instructions to purchase food and medicines for relief of American citizens and transportation of such without means as desire to come home. See cable May 21st.1897.

I have tried to have it confined to such purposes only, but without effect in this case,as will be seen by the Consul's letter to me and my reply,copies of which he transmits.

I am also authorized to furnish Consuls in Cuba with money for same purposes at my discretion. I confess to a want of discretion in the appointment of this official,and will very likely relieve him from any further agency in the matter if I can find a good honest agent in that section who will confine the expenditure of government money to the purposes for which it has been appropriated.

I should be glad therefore,if the Department should see proper,to acknowledge the receipt of Mr.Hyatt's communication, if he could be informed the matter has been referred to me,and that hereafter,as long as he is the agent for the Relief Fund in his section,he must report and be governed by the instructions of the Consul General to whose care the Fund has been committed.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosures:-

Consl.

No. 6 2 5.

RECEIVED
AUG 28 1897
DIVISION OF ACCOUNTS AND DISBURSEMENTS

read and paid

3rd. ASST. SECRETARY.
AUG 27 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
AUG 24 1897
DEPT. OF STATE

HABANA, August 19.1897.

Mr. LEE

Acknowledged. Thos.
AUG 28 1897

TO THE

DEPARTMENT of STATE.

Cuban Relief Fund.

----------o----------

No. 6 2 5.

U. S. CONSULATE GENERAL.

HABANA, August 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the following telegram:-

Washington August 16.1897.

Lee, Consul General, Habana.

Your despatch, August third, received. Draw for five thousand dollars.

(signed) Sherman.

In accordance with these instructions I have drawn on the Honorable Secretary of State, at 15 days, acceptance waived, for the amount of five thousand dollars ($5,000.00) in two separate drafts of two thousand five hundred dollars each, one in favor of Messrs. HIDALGO and Co., and one in favor of Messrs. G. LAWTON CHILDS and Co., and have received on the same a premium of 10 1/2%.

Consequently I have now on deposit at each of said firms the sum of two thousand seven hundred and sixty two and 50/100 dollars ($2,762.50/00) in Spanish gold, subject to my order to the credit of the Cuban Relief Fund.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

Copy.

No. 6 2 6.

Acknowledged. J. Judson Pelouze AUG 31 1897

U. S. CONSULATE GENERAL.

INDEX BUREAU RECD. AUG 24 1897 DEPT. of STATE

HABANA, August 19.1897.

3rd. ASST. SECRETARY. AUG 27 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of Mr.PEDRO MANUEL HERNANDEZ y MONTES.

----------O----------

No. 6 2 6.

U. S. CONSULATE GENERAL.

HABANA, August 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the Department's instruction No.438,of 13th.instant,relative to the arrest at Guimes on July 27th. of Mr.PEDRO MANUEL HERNANDEZ y MONTES,an American citizen,I have the honor to state that all the facts in connection with case,so far as known,have been communicated to the Department, and I refer to my despatch No.613,of August 11th.

I am,Sir,

Your obedient servant,

Consul General.

No.627.

U. S. CONSULATE GENERAL.

HABANA, August 19.1897.

INDEX BUREAU REC'D. AUG 24 1897 DEPT. of STATE

3rd. ASST. SECRETARY AUG 27 1897

Acknowledged. AUG 31 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Case of reported arrest and deportation to the Isle of Pinass of an American citizen.

----------0----------

No6 2 7.

U. S. CONSULATE GENERAL.

HABANA, August 19.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

With reference to the Department's instruction No.435, of 13th.instant,relative to the reported arrest and deportation to the Isle of Pines of an American named ROMERO,I beg to state the following facts in regard to the matter.

Some time in July last,a Miss LUZ GAY,the proprietress of a small illustrated paper of this city,"La Revista Blanca",called at this office and informed me of the arrest of a young man named AGUSTIN ROMERO,the manager of her paper,stating that he was "incomunicado" at Police Headquarters,charged with communicating with the insurgents,and from the fact that he had lived for a number of years in New Orleans,she believed he had become naturalized there,and she desired in that case to obtain my intervention in his behalf. As she was not certain of the fact of his citizenship,and as his name did not appear in the Register of this office,I declined to act until informed that he claimed citizenship. A few days after,she called again and stated that ROMERO was "comunicado",or could be spoken with, that she had seen him,but that he had no papers to prove his citizenship,but could send for them. A few days later,she came to say that she had learned that ROMERO was to be sent to Fernando Po,but that she had friends and influence to work in his favor,and could obtain an order for his deportation to the Isle of Pines,in which it seems she succeeded. At no time did ROMERO communicate with me,although he could have easily done so,nor claim citizenship. All efforts were made in his behalf by Miss Gay,who acknowledged that she was engaged to be

married to him, and who applied to me solely in the belief that ROMERO was entitled to claim my protection as a citizen of the United States.

There is dearth of news here just now, and some correspondents of United States newspapers manufacture articles to show their papers they are still living.

I am, Sir, your obedient servant,

Consul General.

Gwen to Pres. Aug 21. 1897.
Judge Bagley Chicago Aug 21. 1897

Continued AUG 24 1897

INDEX BUREAU REC'D. AUG 21 1897 DEPT. OF STATE

Habana, August 20. 1897.

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

ASST. SECRETARY AUG 20 1897 U. S.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

406 pm

OFFICES IN GREAT BRITAIN:

LONDON: No. 21 Royal Exchange, E. C. No. 109 Fenchurch Street, E. C.
LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
193	a os	29	U S Cool	Havana

RECEIVED at Washn DC Aug 20 1897

Aug 20th Assist Secretary State
Washn (DC)
James J Carry Chicago says
he was with Zeigler Company
there surrender Sick to Spanish
authorities I will send him from
Island Lee

No. 6 2 8.

U. S. CONSULATE GENERAL.

INDEX BUREAU
REC'D.
AUG 26 1897
DEPT. OF STATE

HABANA, August 21.1897.

Mr. LEE

Acknowledged. Thos.
To Treasury
AUG 30 1897

TO THE

DEPARTMENT of STATE.

Visas to Chinese Certificates.

----------0----------

No.6 2 8.

U. S. CONSULATE GENERAL.

HABANA, August 21.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In accordance with paragraph 373 of Consular Regulations, and with reference to instruction No.384,of June 25th.,I have the honor to inform the Department that the following certificates issued to Chinese subjects of the exempt class,have been visaed at this office to entitle them admission into the United States,upon the following evidence respecting each visa.

Visa No.330. LEE LEP. 26 years. merchant.

Upon affidavit of Lee Foi,member of the firm of Wing Hing Lung and Co.5 Mott St.N.Y.before Thos.F.Meagher, Notary Public January 15.1896,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector.

Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.332. JUNG YEE. 41.years. merchant.

Upon affidavit of Sing Kee and Co.15 1/2 Mott St.N.Y. before James Callam,Notary Public July 9.1897,and visaed by Thos J.Dunn,Deputy Collector,New York.

Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.340. WANG JIM CHIONG. 29 years. merchant.

Upon affidavit of Leong Hip,member of firm of Wing Wo Hing and Co.1 Mott St.N.Y.before Thomas F.Meagher, Notary Public Dec.6.1895,attested by Clerk of Supreme Court,and visaed by Thos.J.Dunn,Deputy Collector.

Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.341. LI YET JOE. 27 years. merchant.

Upon affidavit of Chin You,managing partner of Wing Chung On Co.22 Pell St.New York,before Frank Aiello, Notary Public June 8,1897,and visaed by Thos.J.Dunn, Deputy Collector,New York.

Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.352. YOU CHUNG. 36 years. merchant.

Upon affidavit of Chin Nam,managing partner of Choy Chung Woh and Co.19 A.Mott St.N.Y.before M.Gardiner, Notary Public July 28.1897,and visaed by Thos J.Dunn, Deputy Collector,New York.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.353. YE GEE. 34 years. merchant.

Upon affidavit similar to the foregoing,and same date
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.356. LEE JAN. 35 years. merchant.

Upon affidavit of Hum Wah Ling,partner of Quong Tuik Lung and Co.11 Mott St.New York,before Jacob Finkelstein July 30.1897,attested by Clerk of Supreme Court,and visaed by D.G.Hawthorne,Deputy Collector.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.360. JOSÉ CHUN al.CHAU KAM. 32 years. laborer.

Upon certificate issued by Chinese Consul General, and a descriptive list for laborer in transit,sent to Collector Customs,New York.

The above named Chinese sailed for New York on the SS."Orizaba" on the 19th.instant.

Visa No.333. LEE CHEONG. 28 years. merchant.

Upon affidavit of Lem Ling,member of the firm of Sing Kee and Co.15 1/2 Mott St.N.Y.before Jas Callam,Notary Public July 9.1897,and visaed by Thos J.Dunn, Deputy Collector,New York.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.354. FUNG NA FOO. 17 years. student.

Upon affidavit of C.S.John,member of firm of Hang Lum Chun and Co.4 Doyer St.N.Y.before Jas.Callam,Notary Public Aug.2.1897,and visaed by D.G.Hawthorne, Deputy Collector,New York.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.357. Quong AH GOW. 30 years. merchant.

Upon affidavit of Lem Wah,managing partner of firm of Kuan Tang Lung and Co.46 Mott St.N.Y.before Frank Aiello,Notary Public July 3.1897,and visaed by Thos. J.Dunn,Deputy Collector,New York.
Certifiacate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.358. LAI SUN. 25 years. merchant.

Upon affidavit of Ng Hung Foon,managing partner of firm of Muj On Co.12 Pell St.N.Y.before Jacob Finkelstein Aug 2.1897,and visaed by D.G.Hawthorne, Deputy Collector,New York.

The above named four Chinese will sail by the SS. "City of Washington", leaving today for New York.

I am, Sir,

Your obedient servant,

Consul General.

629

No. 629.

3rd. ASST. SECRETARY. AUG 27 1897

U. S. CONSULATE GENERAL.

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HABANA, August 21.1897.

3rd. ASST. SECRETARY. AUG 27 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

DIPLOMATIC BUREAU. NOV 15 1897

Claim of Mr.Antonio A.Martinez.

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One enclosure.

No. 6 2 9.

U. S. CONSULATE GENERAL.

HABANA, August 21.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to transmit herewith copy of a letter of protest against the Spanish Government, for depredations committed upon his property by Spanish troops, which also embodies a claim for indemnity, to the amount of $15,000.-, made before me by Mr. ANTONIO A. MARTINEZ, a citizen of the United States.

Mr. MARTINEZ has already filed at the Department a similar protest, forwarded in Mr. WILLIAMS' despatch No. 2936 of May 2/96.

I am, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

6a

Enclosure:-

Claim of Mr. Martinez.

Enclosure No. 1
With Despatch No. 629
Habana August 21, 1897
Copy.

Fitzhugh Lee, Esquire,

United States Consul General,

Habana, Cuba.

Sir:-

The undersigned, ANTONIO A. MARTINEZ, respectfully represents that he is a native of the Island of Cuba, and a citizen of the United States, having been naturalized in the Court of Common Pleas, of the city of New York, on December 5th. 1863: That he came to Cuba about 1890, to take up his residence on account of having inherited property:

That he is the owner of the plantation called "San Antonio which borders on the village of Aguacate in the Province of Habana:

That on the 21 and 22 of November 1896, the column of Almansa, under Colonel MONCADA, the column of Guadalajara, under Colonel FEIJOO, and the Guerrillas of Jaruco, under Captain MARTINEZ, emcamped in the village and sent their men to his plantation to cut cane for forage, and that they cut and destroyed about 8,000 arrobas of cane: That on the 23 of November, 1896, the Squadron of Talavera, under Lieutenant Colonel LAPRADA, did the same and cut about 3,000 arrobas: That on the 10 of December, 1896, the column of Maria Cristina, under Lieutenant Colonel ALFAN, did the same and cut about 2,500 arrobas: That on the 12 of December, 1896, the column of Almansa under Colonel MONCADA did the same and cut about 3,500 arrobas: That on the 14 of December, 1896, the column of Maria Cristina under Lieutenant Colonel ALFAN did the same and cut about 3,000 arrobas, and took away from his plantation for food, 2 oxen and 2 cows: That on the 17 of December, 1896, the column of Maria Cristina under Lieutenant Colonel ALFAN cut about 3,000 arrobas: That on the 27 of December, 1896, the column of

Guadalajara,under Colonel FEIJOO cut about 3,000 arrobas: That on the 29 of December,1896,the column of Guadalajara,under Colonel FEIJOO,the Squadron of Talavera under Lieutenant C Colonel LAPRADA,and the Guerrilla of Jaruco,under Captain MARTINEZ encamped in the village and cut about 8,000 arrobas: That from the 5 of November,1896,to the 15 of January, 1897,the Guerrilla local of Aguacate,a body of cavalry permanently quartered in the village,sent daily its men to his plantation to cut cane for forage,and that during said period they cut and destroyed abour 50,000 arrobas: That in the evening of the 30 of December,1896,a skirmish took place in his plantation between Spanish troops and insurgent forces,and ten new fields of cane were set on fire,and about 80,000 arrobas were were destroyed by it: That on the 14 of January,1897,the column of Mallorca,under Colonel JOSÉ RODRIGUEZ passed through his plantation and took away from it 4 cows,3 horses and a mule: That on the 4 of March 1897,the column of Maria Cristina,under Lieutenant Colonel ALFAU,and the column of España under General FIGUEROA,started in combination from La Mocha to gather the cattle they found on their way: That they passed through his plantation and took away from it 27 of his oxen, and 2 cows,being the last he had left:

That on account of the proclamation of concentration the Military Commander of the village,Don VICENTE GARCIA,ordered the men in charge of his plantation to leave it immediately, and to level to the ground all the houses in it,which had to be done,as otherwise,he said,the troops would burn everything standing:

That on the 8 of February,1897,he received a communication,of which he appends a copy,from the Military Commander, Don VICENTE GARCIA,as President of the "Junta de Zonas de cultivo",stating that inasmuch as he had not voluntarily acceded to the granting of his lands surrounding the village for public use or "Zona de Cultivo",the Junta had decided to take possession of them,and that on the following day they were distributed among several "concentrated" people to be used and worked

for their own benefit:

That all the aforesaid acts and depredations have been committed without his consent, and that in many instances his life and that of his employees have been imperilled, as they have been threatened by the troops with death every time they remonstrated against the perpetration of them:

That in consequence of the aforesaid occurrences, as set forth, and the depredations committed on his property, he has been left without the necessary means to support himself and family, and that he estimates the losses which he has sustained to be at least $15,000.00 Spanish gold:

WHEREFORE this deponent protests solemnly and publicly against the losses and damages he has suffered to his property and interests, by reason of the actions of the Spanish troops and subjects of Spain in revolt, the depredations committed on his property by them, and all consequent losses, costs and damages resulting to him and thereby originated, and declares that he believes he is entitled to receive an indemnity from the Spanish Government of the said amount of Fifteen thousand dollars in gold, and interest thereon at six per cent annually until payment, and doth thereby make formal demand and claim from the said Government of Spain for said amount.

(signed) ANTONIO A. MARTINEZ

----------TRANSLATION----------

Subscribed and sworn to before me,
this 12th. day of August, 1897,

(signed) FITZHUGH LEE
Consul General.

A true copy:

Fitzhugh Lee
Consul General.

-----o------

Copy of a communication received by Antonio A.Martinez, owner of the plantation "San Antonio", from Don Vicente Garcia, Military Commander of the Village of Aguacate, as President of the Junta Local de Zona de Cultivo (Local Board of Zone of Cultivation).

"Junta Local de Zona de Cultivo",

Presidencia.

La Junta de zona de cultivo en sesion celebrada hoy, bajo mi Presidencia, acordó' en cumplimiento del Bando del Excmo.Sr. General en Jefe, de 1 de Enero ppdo., y en vista de no haber contestado el oficio que sobre cesion de terreno se le paso' en 13 del citado mes, tomar en su finca el terreno para zona de cultivo, segun lo dispuesto y señalar el ca'non que deba pagarse por cada seis meses; procediéndose por la Comision que se nombre al efecto á' la medida y reparto del terreno.

Lo digo á V. para su conocimiento y efecto.

Dios etc. Augacate, 8 Febrero de 1897.

Vicente Garcia.

----------TRANSLATION----------

Local Board of Zone of Cultivation.

Office of the President.

The Board of the Zone of Cultivation at a meeting held to-day under my presidency, resolved in compliance with the Decree of His Excellency the General in Chief, and in view of not having received any reply to the note which respecting the cession of land was sent you on the 13 of same month, to take from your farm the land required for the zone of cultivation, according as it has been ordered, and to fix upon the fee to be paid for same every six months; the duly appointed Committee to take charge of the measurement and distribution of said land.

No. 630.

2.

Which I inform you for your knowledge and corresponding effect.

HABANA, Aug.21,1897.

God guard you many years. Aguacate February 8,1897.

(Signed) Vicente Garcia.

MR. LEE

TO THE

DEPARTMENT of STATE.

Expulsion of Mr.George Eugene Bryson,correspondent of the "New York Journal".

1 Enclosure.

No. 630.

Acknowledged. W. Corp. Hearst & N.Y. Journal AUG 30 1897

U. S. CONSULATE GENERAL.

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HABANA, Aug.21,1897.

ASST. SECRETARY. AUG 27 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Expulsion of Mr.george Eugene Bryson, correspondent of the "New York Jounal".

---o---

1 Enclosure.

No. 630.

U. S. CONSULATE GENERAL.

HABANA, August 21,1897.

Hon.William R.Day,

Assistant Secretary of State,

Washington.

Sir:

I have received an official communication from the Governor General,advising me of his having decreed the expulsion from this Island,with prohibition to return to Spanish territory of Mr.George Eugene Bryson,the correspondent in this place of the "New York Journal"; and that instructions had been sent to the Regional Governor to that effect,and for him,in accord with myself,to appoint a day upon which to carry out this order.

I have not yet received any communication from the Regional Governor,nor even the police notification usual in such cases,but suppose that such will be received within a reasonable period.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure:

Governor General to Consul General,Aug.19.

No. 31.

Enclosure No.1.

With Despatch No.630.

H A B A N A , August 21st,1897.

U. S. CONSULATE GENERAL.

HABANA August 25.1897.

TRANSLATION.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

Mr. LEE

From the gubernative proceedings (expediente gubernativo) instituted against the American citizen, residing in this capital, Mr. George Eugene Bryson, on account of the police having found upon him several documents containing false and injurious news for the army operating on this Island, it results that the conduct observed by said person in his functions of correspondent of the Newspaper "The Journal" of New York, is systematically hostile to the cause of Spain, for which reason his continuation in Cuba would be inconvenient, as well as prejudicial to national interests, I have resolved that he be expelled from this Antille, with prohibition to return to spanish territory unless especially authorized to do so.

DEPARTMENT of STATE.

Receipt of Instructions.

I have the honor to communicate to you the above, and to state that through this Department the proper instructions have been communicated to the Governor of the Region, in order, that in accord with you, he may designate the day when Mr. Bryson shall leave for abroad.

God guard you many years. Habana, August 19, 1897.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

No. 631.

U. S. CONSULATE GENERAL.

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HABANA, August 25.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Receipt of Instructions.

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No. 6 3 1.

U. S. CONSULATE GENERAL.

HABANA, August 25.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's instructions from No.428 August 7th, to No.447 August 19th.

I have also received the Department's circulars dated Aug. 10th.and Aug.12th.1897, and a list of customs districts and ports of entry and delivery, issued by the Treasury Department.

I am, Sir,

Your obedient servant,

Consul General.

UNITED STATES CONSULATE GENERAL

HABANA, CUBA Aug. 25th. 1897.

Personal.

Hon. Wm: R. Day,

Asst. Secretary State,

Washington, D. C.

My Dear Judge:-

I know you will excuse my again commencing a letter to you in this way, but as I believe I told you in a previous communication, you broke the ice first.

I am going to try and tell you in a few words the situation here, so that you may be able to compare what I say with the information obtained from all other sources.

The pluck and pertinacity of the Spanish Goverment is most marvellous, surrounded on all sides at home by a growing, and gathering storm, with an exchequer drained of its last "centen", so far, it has managed to carry on Colonial wars with immense armies, and maintain intact the supremecy of the reigning party. One should therefore be careful and hesitate to declare that the inability of the Spanish Goverment to deal successfully with its Peninsular and Insular affairs is manifest, and yet I feel it my duty to say that I see but two ways the Goverment of Spain can retain its control over this Island.

First:- By sending 20 - 30 - or 40,000 fresh troops here in the Fall.

Secondly:- By filling the public purse to the brim and paying

UNITED STATES CONSULATE GENERAL

HABANA, CUBA ..... 189.....

Hon. Wm: R. Day.

offfall public debts to its soldiers, citizens and corporations here.

I confess that even with my limited knowledge of affairs in Madrid, I am unable ~~how~~ to see how the conditions stated can be fulfilled. A very large number of sick and invalid soldiers have been returned to Spain within the last few months, and the United States Sanitary Inspector tells me that there are 37.000 Spanish soldiers now in the hospitals. The death rate in this city at this time is:- for the week ending Aug. 19 88.90 (in 1000) or about 3/1/3 times greater than the death rate (average) in New York city (not Greater N. Y.) the latter city being 7 or 8 times larger than Habana.

The Peninsular boys sent over here as soldiers, though not drilled, diciplined or organized, yet possess many qualities to make excellent soldiers if properly shaken into military shape, but being thoroughly unaclimated they can not contend with the Insular Spaniards or Cubans on equal terms between May and November; and the disparity between the contending forces is daily decreasing. I do not think the Spaniards can now muster more than 75 - or 80.000 soldiers who have strength enough to carry a rifle and a haversack, while it is certain - with the exception of the sea-ports and a few interior towns - the Insurgents

UNITED STATES CONSULATE GENERAL,

HABANA, CUBA ..... 189 .....

Hon. Wm: R. Day.

occupy the whole Island. Their camps and bivouacs are located in plain view of the Spanish garrisoned towns, but the Spanish troops do not seem disposed to molest them, and with an exceptional sortie the Insurgents remain inactive, in accordance with their announced military policy.

In view of all this; all classes conditions and colors, I find, are considering the consequences, of what they look upon now, as an invita-ble result, and you frequently hear expressions of opinion as to what would follow a sudden Spanish decision to abandon this Island. The property holders of all nationalities and classes are becoming more or less uneasy at the thought of the advent of the Insurgent masses some day into Habana, wild with excitement and bent on redressing fancied and imaginary grievances. It is said too that many of the unpaid Spanish soldiers now on this Island, in that event, would assimulate themselves with the general population, and go to work on the sugar and tobacco plantations, as offering better chances for their financial future than a return to Spain under the general poverty and uncertain Govermental conditions prevailing there.

Being a graduate of West Point, and having had some military experience, I hope I am correct when I say that I think I can control the Insurgent leaders, in case what I write should happen, but whether the Insurgent leaders can control the mobs of unorganized, undiciplined and howling wild men with them, is another thing. I would therefore respectfully suggest that the United States be prepared for any sudden

UNITED STATES CONSULATE GENERAL

Hon. Wm R. Day. HABANA, CUBA 189

crisis here which can not be far off, and be ready if neccessary, in that event, to send down a few vessels of war, and a few thousand real soldiers under a level headed, discreet, well informed and courageous officer, who would be instructed to have no other duty to perform, than to keep the public peace and allow all other matters to settle themselves.

I have no hesitation in saying to you, that having "borne the heat and burden of the day", I should like to be here when the crisis is reached, but I shall find no fault with the better judgement of the Pres-ident, should he find some one who would better perform the dangerous a-nd difficult duties of this office. If however, he inclines for the present to let me work this problem out, I should like to be granted a short leave - begininning about the first of September - say for 20 or 30 days - in order that I may arrange some business matters and see my wife and children, now in the mountains of Virginia. I could consult briefly with His Excellency the President and the Department and get back here by the first of Oct. and be ready to do my humble part in the preservation of peace, and the protection of life and property in the critical period fast approaching.

When your decision is reached I will understand that you agree to what I propose if you simply cable the word "yes" or if it is deemed best I should remain here - the word "no" - in either case the matter to be regarded confidential.

And I am,

Very truly and respectfully

Fitzhugh Lee

DEPT. OF STATE
AUG 26, 12 42 PM 1897
CHF. CLKS. OFFICE
RECEIVED

Given to Press. Aug 26 97

TELEGRAM RECEIVED.

Contained AUG 30 1897

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34

From Havana

Aug 26, 1897.

Received 12 30 P M.

Asst Secy State
Washington.

3rd. ASST. SECRETARY.
AUG 26 1897

In consequence many telegraphic inquiries about Evangelina Cisneros, desire to say matter has been misrepresented and exaggerated. Cannot ascertain there was ever any intention to deport her.

Lee.

632

No. 632.

U. S. CONSULATE GENERAL.

HABANA, August 26th, 1897.

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3rd. ASST. SECRETARY SEP 1 1897

Mr. LEE

To Madrid Nov 12

TO THE

DEPARTMENT of STATE.

Protest of Mr. LEOPOLDO A. ZALDIVAR, against the Spanish Government.

---------o----------

1 Enclosure.

No. 632.

U. S. CONSULATE GENERAL.

HABANA, August 26th, 1897.

Honorable William R.Day,

Assistant secretary of State,

Washington.

Sir:

I have the honor to transmit herewith copy of a letter of protest against the Spanish Government for depredations committed against his property by Spanish troops, which also embraces a claim for indemnity of $6000, presented to me by Mr.LEOPOLDO A.ZALDIVAR, a citizen of the United states.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

No.1: Mr.Zaldivar to Mr.Lee, Aug.19.

Enclosure No. 1.

With Despatch No. 632

H A B A N A , August 26, 1897.

COPY.

Fitzhugh Lee,Esq.,

U.S.Consul General,

Habana.

Sir:

The undersigned,a citizen of the United States,with a passport No.4866,registered in that Consulate General, wishes and prays of you the delivery of this claim to our Government in Washington,asking an indemnification from the Spanish Government for damages received.

Being compelled by General Weyler's BANDO to concentrate myself and family in a small town named "Arroyo Arenas" I had to leave a farm I had on rent for the last four years. A few days after I was in that place a column of Spanish soldiers went over the farm and set on fire the three houses I had there,the one which I abode belonged to the former owner,but the other two were built at my own expense. In the three I had some articles worth money,and everything,furniture,clothes and tools to cultivate the field,was destroyed,and more than 1000 poles,four yards long used to hang up tobacco when cut green, were burned to ashes,spreading over my farm ruin and desolation, moreover, 15 or 20 days afterwards,another spanish column went over there plundering,overthrowing and destroying pine apples, banana trees, and everything that was in the field,which cost me a good deal of money and many years of economy and hard work,was in a few hours changed into ashes and destruction.

Now,Sir,I am with a wife and 6 children,under age,and bereft of all resources for living,and pretty near starving, with my wife and children.

In consequence of this hereinbefore narrated I hope,Sir,

the United States Government will claim and demand from the Government of Spain SIX THOUSAND DOLLARS, American gold, for damages and injuries. The above mentioned farm is situated a mile from Arroyo Arenas (Cano), Havana province, and scarcely 14 miles from the capital.

I am, etc. etc.

(Signed) Leopoldo A.Zaldivar.

Habana, Aug.19, 1897.

NOTE: The above LEOPOLDO A.ZALDIVAR was registered in this Consulate General on the 7th April, 1897, under No.4866, as a native of Habana,: 44 years of age; cigar maker, married, wife and six minor children. Was naturalized at Superior Court of New York, on February 20, 1875, obtained a passport issued by the Department of State, No.43765, dated February 22, 1875; came to Cuba and settled down at Arroyo Arenas, about 12 miles from Havana.

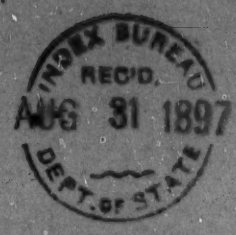
----------o----------

A true copy,

Consul General.

No. 633.

U. S. CONSULATE GENERAL.



HABANA, August 26th, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Protest of Mrs Teresa Fumero, widow of Dominguez, against the Spanish Government.

1 Enclosure.

No. 633.

U. S. CONSULATE GENERAL.

HABANA, August 26th,1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to transmit herewith copy of a letter of protest against the Spanish Government for depredations committed on her property by the Cuban insurgents,which also embraces a claim for indemnity of $6000,presented to me by Mrs.TERESA FUMERO,widow of DOMINGUEZ,a citizen of the United States.

I am,Sir,your obedient servant,

Consul General.

1 Enclosure:

No.1: Mrs.Fumero de Dominguez to Mr.Lee,Aug.20.

Enclosure No.1.
With Despatch No. 633.
H A B A N A ,August 26 1897.

COPY-TRANSLATION.

To the Consul General of the United States of America,
Habana.

Sir:

TERESA FUMERO,widow of DOMINGUEZ,of age,a citizen of the United States,and a resident of this capital,at number 9 Galeano street:

Applies to you,as the representative of her Nation,to make good her rights as such citizen,and states:

That on the sugar estate "Nueva Esperanza",belonging to Don Jose Ignacio Dominguez,situated about three miles from Palos station,in the municipality of Cabezas,judicial district of Alfonso XII,province of Matanzas,she had a house built of wood and tiles; the ground upon which it stood measuring 12 yards front by 35 deep,having been granted by Mr.Dominguez to said appearer.

That the said property was fully furnished and provided with all necessary household effects,inasmuch as the appearer, with her family,fixed her residence in same.

That on two different occasions last year,and towards the end of same,the sugar estate "Nueva Esperanza"was attacked by bands of the Cubans in arms against the Government of the Spanish Nation,burning a large part of the estate in the first of said attacks,and in the second it was totally destroyed, leaving only the house,which remained uninjured,with all its contents intact,but on the 22nd November last the same bands,or others,belonging to the insurgents,attacked the place,for the

third and last time, totally burning and destroying the house, and its contents, which comprised the following effects:

A parlor set of mahogany, consisting of 12 chairs, 6 rocking chairs, 1 tête á tête, 1 console with its mirror, 1 center table, all in good condition, likewise a rose wood piano.

A dining-room set, consisting of 12 1st class chairs, Queen Anne style, 1 side-board, 1 movable table, all of maple wood, 1 clock, and a lady's desk of mahogany wood.

And other necessary furniture and household effects contained in the 4 rooms of the house, as follows: 5 chinese iron beds, 2 wardrobes, 1 toilette table, 1 wash stand, 2 small center tables, 1 gentleman's wash stand, 2 wash basins, 1 bureau, and 2 tables, all of mahogany wood, 2 rocking chairs and 6 American chairs, 1 cedar wardrobe and another one of pine wood, and 4 trunks; the latter containing, as well as the wardrobes, household effects, all in good condition.

This outrage committed in the middle of the province of Matanzas, almost in sight of the columns of the Spanish army, perfectly organized, and, therefore, in good condition to prevent said attack, has left the appearer, and her family, in the most reduced circumstances; deprived of their only resources; having compelled the appearer to appeal to the generosity of the Washington Government in order to provide for her most imperious needs.

Such losses, which constituted all the appearer's property, are moderately estimated in the sum of six thousand dollars, in gold, and considering that as a foreigner she has perfect right to claim due indemnity, the moreso as the Spanish Nation has had within its reach powerful means to prevent said outrage, and is, besides, called upon to watch over the interests of neutral parties.

No. 634.

3.

Therefore, I beg you will please take into consideration the above stated facts, and I further beg you to transmit in proper form my just claim, in order that the Government of the United States may demand from that of Spain the indemnity aforesaid.

HABANA, 20th August, 1897.

(Signed) Teresa Fumero de Dominguez.

Note: The above named, is the widow of Mr. Francisco S. Dominguez, registered in this Consulate on the 12th June, 1874, under number 1332, as a native of Cuba, married, 30 years of age upon said date; a dentist by profession and residing in Matanzas, having been registered as an American citizen upon his passport issued by Department of State, on May 13, 1874, and numbered 39.124.

----------o-------

A true copy,

Consul General.

Dom'r.

No. 634.

3rd. ASST. SECRETARY.
AUG 31 1897

U. S. CONSULATE GENERAL.

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AUG 31 1897
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HABANA, August 27th, 1897.

Acknowledged.
SEP 2 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Relative to Miss Evangelina Cosio y Cisneros.

----------o----------

No. 634.

U. S. CONSULATE GENERAL.

HABANA, August 27th, 1897.

Honorable William R.Day,

Assistant Secretary of State,

Washington.

Sir:

Confirming my cablegram of the 26th instant, in reference to Evangelina Cosio y Cisneros, I have the honor to state that it was despatched because I had received telegraphic inquiries from United States Senators and others, asking me to use my unofficial influence to prevent her deportation to the Spanish African prison Ceuta.

I find there has been no trial in this case, and, therefore no sentence, and that most of the accounts in the United States are sensational and inaccurate. Indeed, I have been told by one, who should know what he is talking about, that the pardon of this young girl had been contemplated, and that her name would be put on the next list of pardons, all of which I am led to believe is correct, and would have been effected if it had not been for the very intemperate and untrue statements sent from this city to the public press of the United States. The practical result will be that Evangelina Cosio y Cisneros will be kept in confinement for a longer period.

I do not think, should any harsh sentence be passed upon her by a military court, that it will be carried out, but that she will be ultimately released. She has now been in prison for over one year and the preliminary stages for her trial have just been reached.

She is not a niece of the Marqués de Santa Lucia, as publicly proclaimed, but the daughter of a poor but respectable

U. S. CONSULATE GENERAL.

HABANA,

Cuban named Agustin Cosio; her mother's name is Cisneros, and this, added to her other name, as is customary here, makes her ~~called~~ called Evangelina Cosio y Cisneros.

Neither is she the only daughter, as stated, or has she been raised in great wealth and luxury, but she is one of five or six children. Her mother is dead and her father, is now a prisoner in the Cabaña fortress, having been removed to that fortress from the Isle of Pines, after the trouble occurred there.

I am, Sir, your obedient servant,

Consul General.

Copy.

No.6 3 5.

ANSWERED
COPY TO Treasy
SEP. 7 1897

U. S. CONSULATE GENERAL.

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DEPT. OF STATE

HABANA, August 28.1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Visas to Chinese Certificates.

---------O---------

No.6 3 5.

U. S. CONSULATE GENERAL.

HABANA, August 28.1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:-

In accordance with paragraph 373 of Consular Regulations, and with reference to instruction No.384,of June 25th.,I have the honor to inform the Department that the following certificates issued to Chinese subjects of the exempt class,have been visaed at this office to entitle them admission into the United States,upon the following evidence respecting each visa.

Visa No.359. LEE QUONG. 17 years. student.

Upon affidavit of Lee Yuoy,managing partner of firm of Wing Wo Hing and Co.1 Mott St.New York,before Walter E.Bird,Notary Public Oct.4.1895,attested by Clerk of Supreme Court January 10.1896,and visaed by Thos.J.Dunn,Deputy Collector,New York.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa 365. CHU JUE. 32 years. merchant.

Upon affidavit of C.S.John,member of the firm of Hang Lum Chum and Co.4 Doyer St.N.Y.before Jas.Callam,Notary Public August 3.1897,and visaed by D.G.Hawthorne, Deputy Collector,New York.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

The above two Chinese sailed on the 27th.instant by the SS. "Vigilancia",bound to New York.

Visa No.363. FONG BOCK CHIN. 26 years. merchant.

Upon affidavit of Lee B.Lok,managing partmerof Sun Kwong On and Co.21 Mott St.N.Y.before Frank Aiello Notary Public July 30.1897,and visaed by Thos.J. Dunn,Deputy Collector,New York.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.366. WONG WAH. 32 years. merchant.

Upon affidavit of Lee Kee,managing partner of Kwong Mow Wo and Co.13 Pell St.N.Y.before Frank Aiello, Notary Public Aug.6.1897,and visaed by D.G.Hawthorne, Notary Public,New York.
Certificate issued by Chinese Consul General,and visaed by Regional Government,Habana.

Visa No.368. LEE BOO. 37 years. merchant.

Upon the affidavit of Hum Wah Ling,managing partner of the firm of Quong Yuih Seo,11 Mott St.N.Y.before Jacob Finkelstein,Notary Public July 30.1897,and visaed by D.G.Hawthorne,Deputy Collector.

Visa No.370. WONG SEN YI. 49 years. merchant.

Visa No.371. WONG ON. 20 years. merchant.

Visa No.373. MOE TON YAN. 28 years. Consular Attaché.

Upon certificates issued the Chinese Consul General, and visaed by the Regional Government,Habana,and a descriptive list forwarded to Collector of Customs at New York.

The above named six Chinese will sail today for New York by steamer "Yucatan",the last three being bound to China,via U.S. in transit.

I am,Sir,

Your obedient servant,

Consul General.

Copy.

ack'd subject Cus. Bureau

No. 636.

U. S. CONSULATE GENERAL.

INDEX BUREAU RECD. SEP 7 1897 DEPT. of STATE

HABANA, August 31, 1897.

3rd. ASST. SECRETARY SEP 8 1897

Acknowledged. SEP 10 1897

Mr. LEE

TO THE

DEPARTMENT of STATE.

Transmitting a copy of a letter from Ona Melton, one of the "Competitor" prisoners.

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1 Enclosure.

No. 636.

U. S. CONSULATE GENERAL.

HABANA, August 31st, 1897.

Honorable William R. Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to enclose you a copy of a letter from Ona Melton, one of the "Competitor" prisoners. I do not think the proceedings mentioned therein amount to anything, except to place the Government here in position to say, when asked what progress is being made in the cases of these "Competitor" prisoners, that on the 27th. of August the matter was taken up before the Judge Instructor and was now sub judice, and that nothing can be done until the termination of such a stage of the proceedings.

I am, Sir, your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

Copy of letter of Ona Melton referred to.

Enclosure No.1.

With Despatch No.636.

Habana August 31.1897.

Copy.

TELEGRAM RECEIVED.

FORT CABAÑA, Cell No.41, Aug.28.1897.

Gen.Fitzhugh Lee.

Dear Sir:-

Yesterday, Aug.27, William Leavitt and I were taken to the Sala de Justicia or Cuarto de Banderas (Guard room) in this fortress and before Judge Instructor Fernandez Lopez Saul, Lieutenant of the Navy, and notified that, in accordance with stipulations of law, we were now given 24 hours in which to select a defensor and a procurador (advocate and solicitor) for our defense.

We were informed that as we were American citizens we would be tried by civil court and differently from the other "Competitor" prisoners, that we would be tried under one Section of the treaties and the others under another, that we had a right to select a procurador (solicitor) which the other "Competitor" prisoners did not have, but that although we would be tried differently we would all be tried at the same time and by the same tribunal.

This all seemed very absurd and we naturally concluded that it was a mere farce. We selected Mesa y Dominguez as we had heard that the other "Competitor" prisoners had also selected him some time ago for their attorney, not knowing the requisites or duties of a procurador (solicitor), we left that matter in the hands of Mesa.

I asked the Judge when we were to be tried and he simply shrugged his shoulders, laughed and said, I do not know.

This is the first time Leavitt and I have been called out for six or eight months and although convinced that the matter was of no particular importance I thought it proper to write to inform you of what passed.

(signed) Ona Melton.

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Con

3rd. ASST. SECRETARY. AUG 31 1897

21

INDEX BUREAU REC'D. SEP 22 '97 DEPT. OF STATE

TELEGRAM RECEIVED.

7 M ~~Corrected~~ SEP 7 1897

From Havana

Aug 31, 1897.

Received 2.16 P.M.

Asst Sec State,

Washington D.C.

Ziegler & Co
Chicago
9/1/97

James Thomas Carey born Cedar Falls, Iowa, lived Chicago, 23 years old been insurrection Eighteen months Will send him New York Thursday.

Lee

Aug 21
Messrs Ziegler & Co.
Chicago.

Copy.

No. 637.

3rd. ASST. SECRETARY SEP 8 1897

INDEX BUREAU REC'D SEP 7 1897 DEPT. OF STATE

U. S. CONSULATE GENERAL.

HABANA, August 31st, 1897.

Mr. LEE

TO THE

DEPARTMENT of STATE.

Acknowledged. SEP 10 1897

Relative to James Thomas Carry, who has been serving for the last 18 months in the province of Santiago de Cuba, under the insurgent chief Calixto Garcia.

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No. 637.

U. S. CONSULATE GENERAL.

HABANA, August 31st, 1897.

Hon. William R. Day,

Assistant secretary of State,

Washington.

Sir:

Confirming my telegram of this date respecting James Thomas Carry, I desire to say that he is a young man of more than ordinary force and intelligence. That he states that he has been serving for the last 18 months in the province of Santiago de Cuba, or Oriente, under the insurgent Chief Calixto Garcia.

This officer, he says, has 15.000 well armed and equipped men, whites and negroes, that he has practically the charge of the whole province, with the exception of a few sea ports still held by the Spaniards, and that from his observations the war can be carried on in the provinces of Santiago de Cuba and Puerto Principe, or Camaguey, for an indefinite period, even were the 4 other smaller provinces of the Island pacified in reality.

Carry says that two young Baltimoreans, Latrobe and Janney, are both with Garcia, the former being a captain on the staff of Collazo, the latter is with Calixto Garcia's artillery, which according to Carry, numbers 13 rapid firing guns. He also says that Henry B. Jones and James Bennie, American electricians, as well as an American named Funsten, who is a major and chief of artillery, are there also.

The families of Latrobe and Janney are well known Baltimore people of influence and wealth, who have been trying for some time to get information about these young men. Latrobe is, I think, a nephew of the Hon. Ferdinand Latrobe, who was for so many years the Mayor of Baltimore. I think, therefore, that

it would be well if the Department will allow the papers to say the substance of what is herein communicated in reference to these American citizens.

I am,Sir,your obedient servant,

Fitzhugh Lee

Consul General.

No. 638.

U. S. CONSULATE GENERAL.

HABANA, Aug.31,1897.

INDEX BUREAU
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Mr. LEE

Acknowledged.
SEP 10 1897

TO THE

DEPARTMENT of STATE.

Transmitting copy of a letter from our Consul at Matanzas respecting the citizenship of the illegitimate children born to a naturalized American in this Island, whom he has legitimated according to Spanish law.

1 Enclosure.

No. 638.

U. S. CONSULATE GENERAL.

HABANA, August 31, 1897.

Hon. William R. Day,

Assistant Secretary of State,

Washington.

Sir:

I have the honor to transmit a copy of a letter received from our Consul at Matanzas, submitting a question regarding the citizenship of the illegitimate children born to a naturalized American in this Island, whom he has legitimated according to Spanish law, and then claims for them the rights of American citizenship, and if entitled in that case to be considered as citizens, he will also ask that they be furnished relief under the Cuban relief fund.

I should be pleased to have the decision of the Department upon this question.

I am, Sir, your obedient servant,

Consul General.

1 Enclosure: Copy of letter from Mr. Brice, referred to.

Enclosure No. 1.

With Despatch No. 638.

Habana September 1.1897.

Copy.

CONSULATE OF THE UNITED STATES OF AMERICA.

Fitzhugh Lee, Esquire,

U.S.Consul General, Habana.

Sir:-

Here is a case I wish advice on. Teofilo Galup is a naturalized citizen and registered in this Consulate, unmarried. Has three children by mistress. On July 5th.1897 he publicly acknowledged these children to be his lawful children according to Spanish law. (has properly legalized papers showing this) Now he wants these children registered, also asks for relief for them.

I have refused all requests for relief from mistresses or illegitimate children, so far as known. Now the position is, are these children entitled to registration? If registered of course entitled to relief. Ages of children 15, 12 and 9.

Kindly advise regarding this.

Respectfully yours,

(signed) A. C. Brice.

U.S.Consul.

Matanzas Aug.28.1897.

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